

PhD Thesis
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Urban development Under Prolonged Military Occupation
The Case of Nablus/Palestine

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Abstract :-

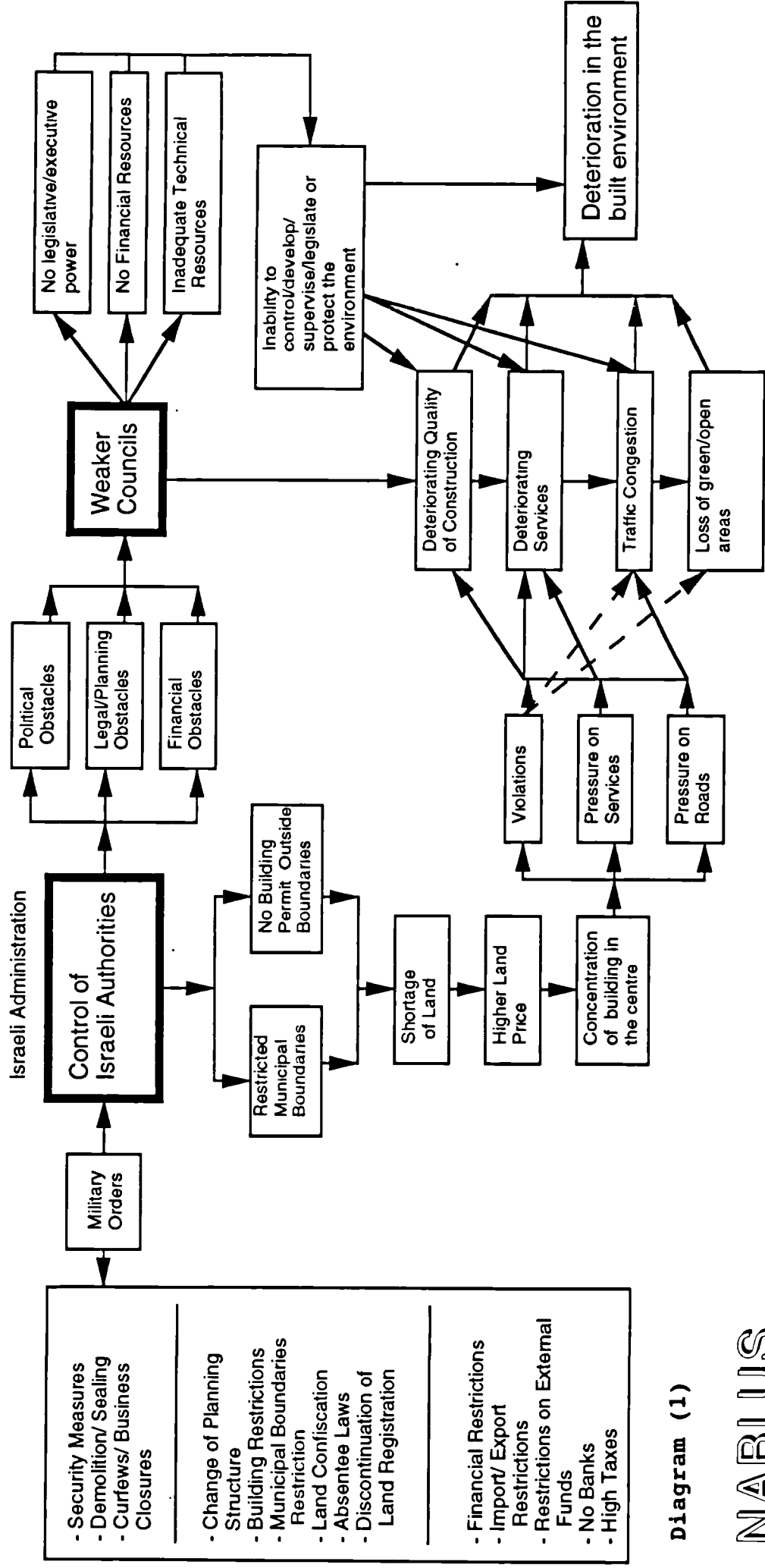
The Palestinian territories have been under foreign military occupation since 1967 and this research is set to examine the implication that this situation has had on the built environment in the historic city of Nablus.

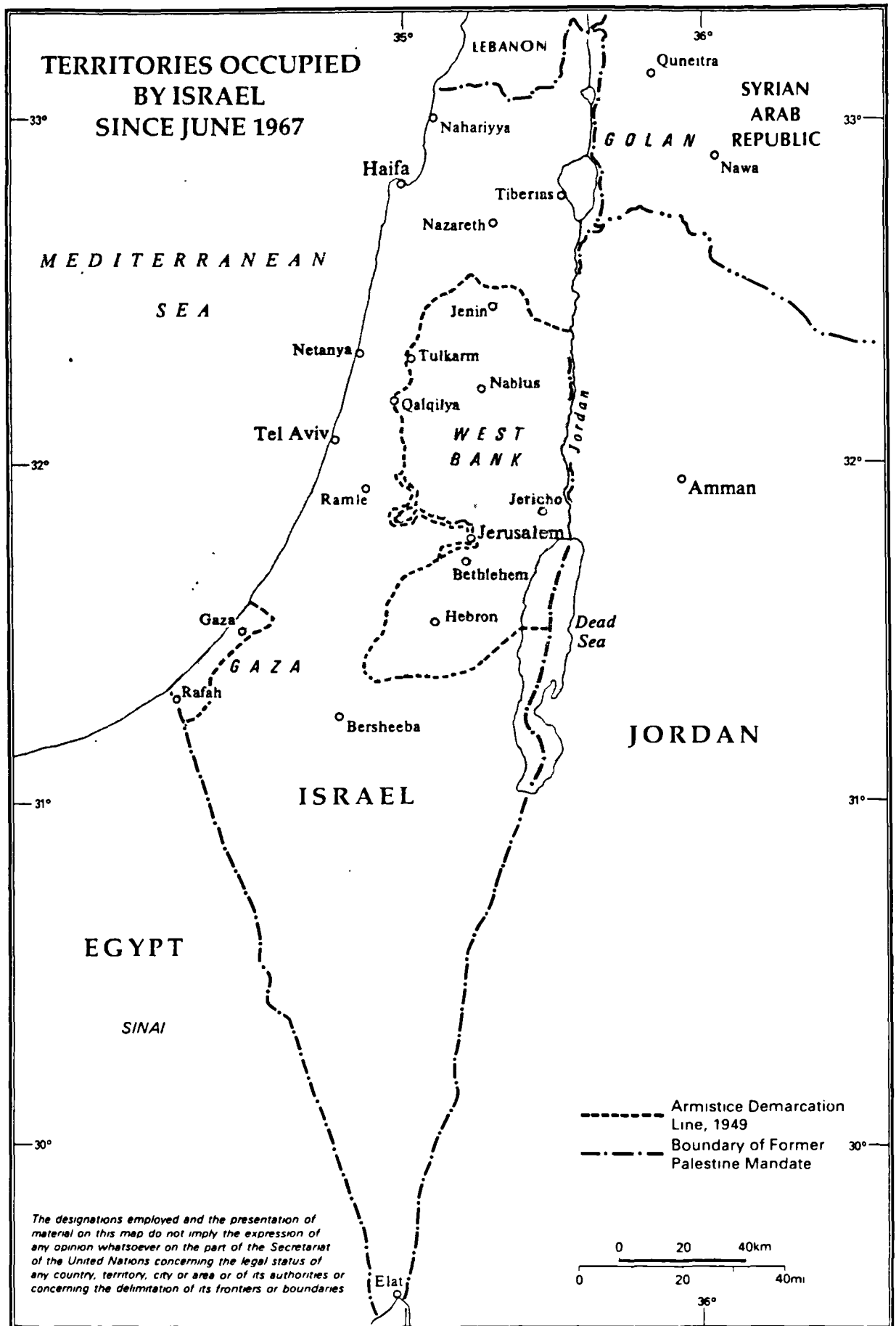
Nablus like many other towns and villages in the occupied West Bank has been subject to strict planning policies and regulations controlling development. These policies and regulations restricted its ability to improve its built environment, modernise and expand its service networks, roads and infrastructure, and to accommodate the additional needs arising from the pressure for growth and increase in its population.

The purpose of the study therefore, is to examine the built environment in Nablus and identify the indicators for its decline particularly in the city centre. It also aims to establish the main factors that have contributed to the deterioration of its physical condition and the major obstacles to its development.

The difficult political conditions and frequent military clashes have had an adverse effect on the built environment and prospects for development. The study findings show that the Israeli occupation authorities have imposed major changes on the institutional structures and legislation that prevailed on the eve of the occupation. The Israeli administration of the occupied Palestinian territories was characterised by the centralisation of power, weakening of local authorities and absence of any form of Palestinian participation in decisions related to development.

The study concludes that the planning and regulatory policies imposed by the Israeli Administration during the occupation of Palestine have been a major cause of the deterioration in the built environment in Nablus and suggests that it has had a similar impact on other towns in occupied Palestine.





General Map of the Palestinian Occupied Territories

Source: United Nations

Glossary:

CEP	Centre for Engineering and Planning
CPD	Central Planning Council
Chapt.	Chapter
DOP	Declaration of Principles, (Peace Accord between Israel and the PLO)
FAO	Food and Agriculture Organisation
GS	Gaza Strip
HCA	Head of Civilian Administration
HPC	Higher Planning Council
ICA	Israeli Civilian Administration
IEC	Israeli Electric Corporation
IDF	Israeli Defense Force
ILO	International Labour Office
IMA	Israeli Military Authorities
JD	Jordanian Dinar
MO	Military Order
NGO	Non Government Organisation
NIS	New Israeli Shekel
OPT	Occupied Palestinian Territory
Para	Paragraph
PLO	Palestine Liberation Organization
PVO	Private Voluntary Organizations
Quest.	Questionnaire
Q	Question
Sect.	Section
UNCHS	United Nations Commission for Human Settlements
UNCTAD	United Nations Centre for Trade and Development
UNEP	United Nations Environmental Programme
WB	West Bank

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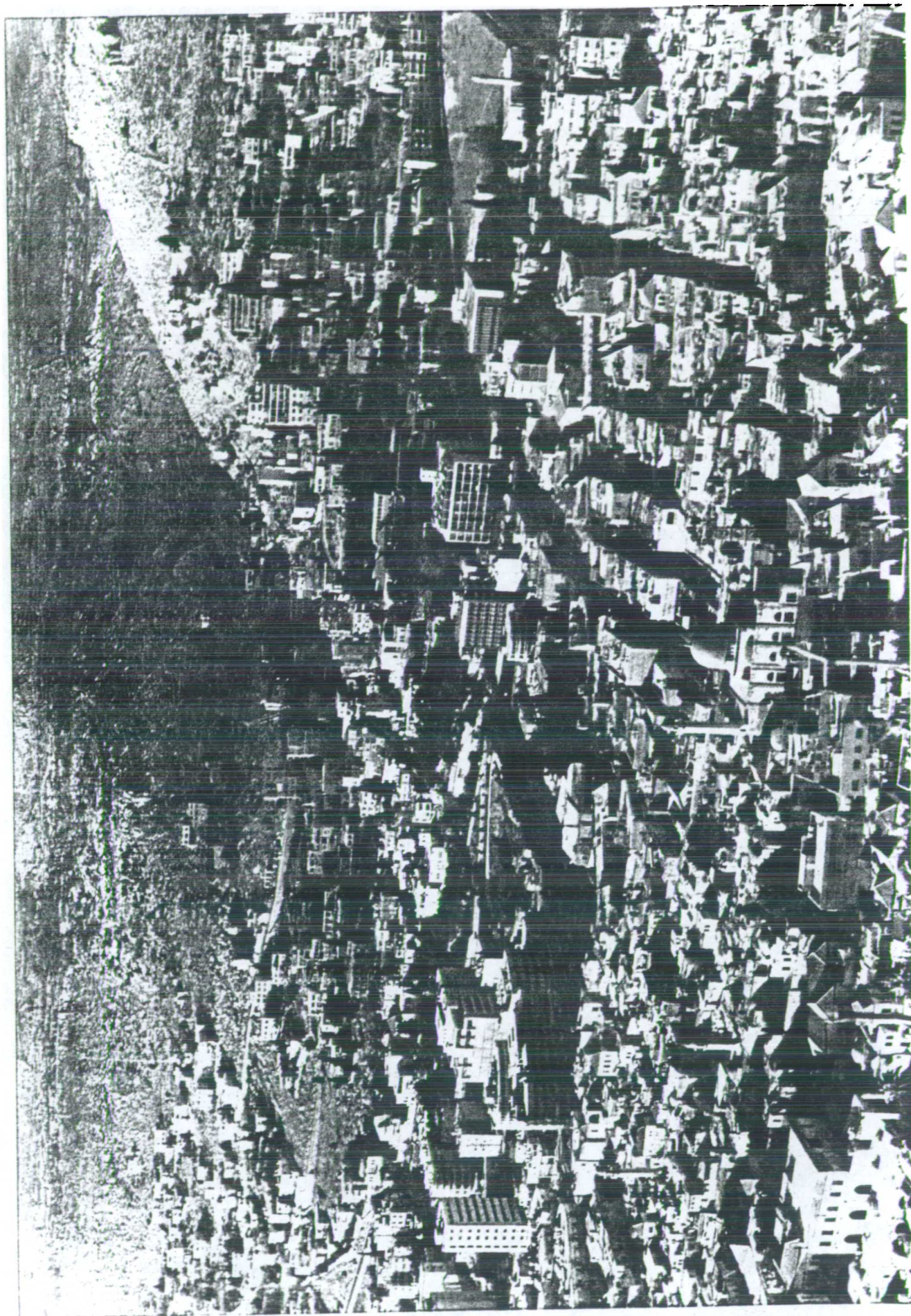
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General View of Nablus

To Yousef Touqan, a passionate son of Palestine, a free spirit and a firm believer in equality and justice for all men and women, whose roots remain deeply entrenched in the rich soil of Nablus; to my father, my friend, my teacher, I dedicate this labour of love.

Acknowledgements:

This research could not have been carried out without the help and contribution of many people, in Palestine, Jordan and the UK, to whom I am grateful. There is a long list of names and I therefore apologise to those whose names were unintentionally missed.

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CHAPTER I
INTRODUCTION

(1) Background and Existing Situation:

1.1 Background: The problems facing urban development in Palestinian towns might at first look familiar in a Third World context. However, after a close examination of the problems and constraints that restricted their development, it becomes evident that these exceed those expected, and somehow accepted in other Third World cities. Furthermore, it is also evident that the circumstances and reasons that led to these problems are very different from those in other countries.

Planning and building laws and development control regulations normally have the aim of satisfying the urgent needs of the population, catering for and encouraging development, albeit in theory. Many would argue that in the case of Palestinian towns, in the 1967-1994 period, these policies and regulations were planned to stop development, or to severely restrict it, to a level suitable for achieving the political aims of the occupation authority.

The increase in population in Palestinian towns, and subsequent demand and pressure for development, paralleled with the change in the nature of people's needs in modern times was restricted by the planning policy of containment enforced by the Israeli authorities and the extensive land confiscation programmes implemented by various methods. Statistics available from United Nations reports estimate that over 68% of Palestinian private land has been confiscated until 1993. Additionally, the Municipal boundaries were restricted to those defined during the British Mandate of Palestine¹

¹ Following the victory of the Allied forces in World War I, the former Ottoman Empire was divided into mandates. In 1920, the San Remo Conference awarded the administration of Syria and Lebanon to the French while Palestine, Trans-Jordan and Iraq came under the British Mandate. The British Mandate of Palestine lasted between 1920 and 1947 when UN Resolution 181 partitioned Palestine into an Arab State and a Jewish State.

(Kendal Master Plan 1942-1944) and building permits within and outside the Municipal boundaries were extremely difficult to obtain.

Military Orders dealing with every aspect of civilian life have been issued during the occupation. These included planning and regulatory laws, control of land use and zoning, building permits, service provision, and fiscal policies. The orders had far reaching consequences on the lives of the indigenous population and the development of their towns and villages. The most significant and serious consequence was the extent of change it imposed on the planning, institutional structures and procedures which prevailed under Jordanian rule ².

The main result of this change was that the Israeli military authorities, and later their "Civilian Administration" took over all responsibilities of the former Higher Planning Council, abolished district councils, and marginalized the authority of local councils. All planning, at all levels, came under the military authorities or officers appointed by them, with virtually no local Palestinian representatives at any level. The new Israeli council focused, in its planning policies, on the security, military and political needs of the occupation such as those for building Jewish colonies.

Consequently, there was no mechanism through which the local community could be represented and its needs and priorities established and fulfilled.

Under military occupation, municipal and local councils were either dissolved, replaced by Israeli military councils, or as was the case in Nablus between 1988 and

² In 1950, the remaining Palestinian land was divided between Jordan and Egypt. The West Bank of the River Jordan became part of the Hashemite Kingdom of Jordan, and the Gaza Strip came under Egyptian Administration. In 1967, both Palestinian territories were occupied by military force by Israel.

1994, were forced to resign. All issues related to planning, building permits, land use, development and financial policies came under the jurisdiction of the military authorities. The powers of municipal and local councils, or municipal caretakers were severely reduced even within the municipal boundaries which were not allowed to expand regardless of the pressure of population growth. Thus municipal and local councils were deprived of any power to make decisions, or to contribute any significant improvement to the life of their residents and the development of their towns and villages.

Local councils in all cities, towns and villages, were also deprived of funds, technical staff, and any form of government support. Furthermore, the occupation authorities imposed restrictions on their ability to receive outside funding from donors and external investors.

Moreover, Arab and non-Arab Banks were closed after the occupation, leaving no financial institutions in the occupied Palestinian territories. Consequently, there were no institutions able to give financial assistance or to offer investment guidance, or saving and credit facilities to local Palestinian residents. High taxes, severe import and export restrictions also discouraged the local residents from investment.

The work of local and International NGO's was also subject to Israeli military approval. These have been frustrated on many occasions when the occupation authority interfered in the nature of projects they were planning to carry out in the West Bank.

Building laws and regulations which prevailed under the occupation were outdated and unsuitable for the new and changing needs of society in terms of health, environment and safety standards.

These comprised a mixture of Ottoman, British, and Jordanian laws modified by Israeli military enactments. The 1966 Jordanian laws were not updated during the occupation and therefore did not have the safety and health codes required for modern life and new development. The planning laws imposed by Military Orders focused almost exclusively on the security and the political objectives of the occupation. The absence of any national legal system and jurisdiction meant that the only enforceable laws were those either passed or selected by the authorities .

As a result, the built environment in cities and villages continued to deteriorate, plans for development were denied, or obstructed, and the built environment could not fulfil its function or cater for the increasing and changing needs of the residents. With lack of funds for maintenance or upgrading, the infrastructure and public services declined as population growth and pressure for expansion could not be met.

In conclusion, cities and villages in the West Bank had little government support in terms of planning , development or funding. Their weakened councils had limited power to enable them to help their communities.

1.2 The Condition of the Physical Environment in Nablus:

General Description: The centre of Nablus city is a busy commercial centre serving towns and villages within Nablus and other Palestinian districts. The main centre in Nablus District is the city's central area, with secondary centres in the nearby towns of Jenin, Tulkarm, Qalqilia and Tubas. The city central area comprises two parts; the old historic core , and the new centre. The two parts are adjacent to each other, and still function as one, sharing many similar activities.

(1) Like many Islamic historic centres, the old city includes the traditional residential quarters, palaces, mosques, public baths, small factories and handicrafts

and light industries. The old city suqs and khans, still provide basic retail services. Its fabric remains intact, in spite of the need for repair and maintenance of almost all buildings. The age of buildings varies from one hundred to one thousand years. Some buildings were destroyed by earthquakes and wars over the centuries and later restored or rebuilt. Although there was evidence of recent "illegal" additions or demolitions to some buildings, the majority remained unchanged, albeit derelict and in bad state of decay.

(2) The new centre is known as the central business district and provides retail facilities, office space and public services (municipality, police station/ Israeli Civil Administration, post office, bank/ money changers' facilities, clinics). It is a mixture of shops and offices mainly built in the fifties and sixties. This part was originally extended from the old city and grew gradually over the years. Part of the centre expanded in the late seventies and early eighties, when higher buildings were constructed. There were very few empty plots left in the city centre and most of them were privately owned ³. There had been little building activity in the centre between 1987 and 1992 ⁴, as a result of the Intifada ⁵.

This increased the pressure on the city centre and the existing built up area and resulted in:

- a- higher values of land which was mostly privately owned, particularly in the city centre;

³ Total area of empty plots within Nablus municipal boundaries was 1,864 donums in 1985, of which only 4.6% was owned by the municipality (Nablus Master Plan Proposals, 1990).

⁴ There was evidence that this was changing as a result of the ongoing "Peace Talks". Some people were already encouraged to build or extend their buildings (Author, January, 1995).

⁵ The Palestinian Intifada (Arabic for popular uprising) against the occupation erupted in December 1987.

b- an increase in the number of multi-story buildings built in the centre to ensure maximum use of land and return on investment, regardless of its effect on the existing fabric of the city in terms of light, ventilation, traffic and parking problems.

The change in the use of some buildings in the old city to accommodate current needs created the added problem of adjusting the old fabric to the new functions with limited resources and services and without professional advice or supervision. This had adverse effects on health, safety and environmental conditions.

The absence of an elected mayor and council resulted in the lack of constitutional means or channels to identify needs and priorities. The remaining technical staff at the Municipality did not have the legislative powers, technical abilities, financial resources or a national local/central government backing to play a useful role and fulfil the duties expected of them. Consequently it was very difficult to ensure that the limited available land in the city was used for new developments to cater for the existing and long term needs of the city in terms of clinics, schools, training centres, roads, car parks, playgrounds as opposed to commercial developments only.

This also resulted in the absence of any available mechanism locally or centrally that could legislate or enforce any legislation in Nablus or the West Bank other than the Israeli authorities.

Permission procedures for the development of new business and industry were lengthy. Additionally, fees were expensive, not refundable and often rejected by the Israeli planning authorities which discouraged potential investors from applying.

There was very limited improvement, upgrading, maintenance or expansion to the infrastructure and services that existed before 1967 relative to the increase in the population and the built up area.

Therefore, the existing roads were congested, parking facilities almost non-existent, and all main services and public utilities such as water supply, drainage, sewerage, electric power, communication were old and overloaded.

(2) Purpose of the Study:

2.1 Research problem: After more than 26 years of Israeli administration of the OPT, the physical condition of existing buildings and new developments in Palestinian towns, such as Nablus, did not allow the town to fulfil its functions or to cater for the increasing and changing needs of the community. Services, roads, and infrastructure in the city, were generally old and overloaded, with very little maintenance, repair or improvement carried out.

This restricted the ability of towns to accommodate modern facilities and uses in their buildings, attract new users and customers, generate higher income and employment opportunities, or encourage new investment. The planning and regulatory policies of the occupation authorities contributed to this condition.

The planning laws and regulations in most cities are usually a varied and complex issue (*variables such as: land use, permit procedures, control of development, security of tenure, rent control, building codes, tax and fiscal policies*). Their effects are also manifested on a variety of levels, and on many aspects of the development of the city and the lives of its community (*variables such as services and public utilities, quality of design and construction, level of maintenance and upgrading, roads, traffic, transport, ability to improve and expand*).

A number of studies and reports have been carried out after 1967, by international and local bodies, to examine the impact of the occupation on the lives of Palestinian

residents. Some of these studies examined prevailing laws, regulations, planning and land use policies imposed by the military authorities.

However, there were no studies available examining the effect of this prolonged occupation on the built environment and the ability of Palestinian local authorities, institutions and population to develop their towns and improve their living conditions. This research, therefore, attempts to provide such needed information by exploring these issues. It will also examine the condition of the built environment in Palestinian towns, with focus on Nablus, after 26 years of occupation, to determine the nature and extent of the existing problems, and the Palestinians' views on these problems and their causes. Moreover it aims to establish if there was a link between the policies and practices of the Israeli Administration and the deterioration in the built environment in Nablus and prospects for urban development in Palestine.

2.2 Research Objectives: The study has the following two principal objectives:

1. to determine to what extent has the physical/built environment changed or deteriorated in the old and new parts of Nablus city centre over the study period 1967-1994.
2. to examine the policies and practices of the Israeli Administration in the occupied territories which had a direct impact on urban development in Palestinian towns from the political, legal and financial aspects.

The study therefore explores two main topics:

1. The condition of the built environment in Nablus city centre (historic core and new centre), old and new buildings, services, traffic, roads, infrastructure, and environmental issues.
2. The planning laws and regulatory policies that prevailed during the Israeli rule, how they evolved, to what extent they were implemented and who was involved in their implementation. The study will investigate the

powers and responsibilities of the local councils and how these were related to the "central" government. It will attempt to determine the main constraints for development and whether these policies have affected the ability of local authorities to plan and implement local policies for development.

The research also examines the residents views, their need to maintain and upgrade their properties, improve or expand their businesses, and what they considered to be the main obstacles to achieving their aims.

(3) Scope of the Study:

In the absence of similar or relevant studies carried out in this particular field, this was an exploratory research to examine the nature and extent of the deterioration in the physical environment in Nablus as representative of other Palestinian towns. It is hoped that the findings of the research will stimulate further work in this field.

The research also examines the implication of the planning and regulatory policies on the development of the city and to what extent they were responsible for the condition of the physical environment.

The study focuses on the city centre of Nablus and examines the condition of the buildings and services. Three sample areas were selected for the survey, one in the historic core of the city, the second in the main city square and the third in the "new" centre. A total of 60 questionnaires were completed which included a social survey of building users and a physical inspection of the unit he/she occupied, (CH-III, App.A & B below). The units included shops, businesses and residences. The area, where the unit was located, was also inspected, (ibid).

Research Methodology: Due to the difficulty that was anticipated in obtaining all the required data through one or two sources under the prevailing circumstances, the

methodology involved multiple data collection techniques. This also ensured that the findings would be more accurate as they were based on data obtained from several different sources which could be corroborated. The techniques used were:

- collecting, reviewing and analyzing available studies, reports and documents in respect of the prevailing planning and regulatory policies and laws directly affecting urban development in the occupied Palestinian territories (OPT). The ways these evolved and developed and the extent and implication of their implementation, were also examined. This established the foundation for subsequent stages of the research.
- Studying available reports and archival records at the municipality, university, local and international NGO's with regard to public utilities including services, roads, traffic, infrastructure.
- Completing a questionnaire survey with building users to identify what they considered to be the main problems with their buildings, area and city, and to obtain their views on the obstacles that prevented the improvement of their buildings/businesses.
- Conducting a physical survey of buildings and their immediate environment in the three sample areas in an attempt to determine the nature, extent and cause of their problems.
- Conducting semi-structured interviews with key figures, officials, professionals and business owners. This was planned to determine their views on what they considered to be the factors causing the deterioration of the city's environment and restricting its development, (Chapter III, Sec 4).

(4) Limitations:

The field of research was limited to the areas described in the previous sections. It is therefore important to clarify the following:

4.1 Scope of investigation: It was not the study's intention to get involved in the legality of the prevailing political situation in the OPT. International Laws and Organizations are clear about the legal status of the occupied Palestinian territories, and about what an occupying power should or should not practice whilst in control of occupied territories⁶. A number of studies and reports (including UN Reports), dealing with this aspect of the situation have been published, some of which were used for reference in this study.

It also was not possible within the scope of this research to study and analyze thoroughly the political objectives of the Israeli authority's planning policies and the military orders issued to deal with planning and development issues in the OPT. Although some of these objectives will be discussed in general, it is not the study's intention to cover them in depth.

The implication of the situation, prevailing during the study period, on the economy is also not part of the research topic except where fiscal policies and economic regulations were considered to have a direct effect on the subject matter. A number of studies and reports by academics and professionals (ie economists and lawyers) are available. Some are reviewed and used for reference in this study.

4.2 Reliability of data: It was difficult to obtain accurate, detailed and up to date data related to the research topic. This will inevitably restrict the reliability of the study findings, particularly the following:

⁶ refer to:

- Security Council resolutions particularly Nos. 237, 242, 1967, 338, 1973 and UN General Assembly resolutions No. 3236 XXIX, 1974.
- Fourth Geneva Convention 1949 signed by Israel (Part I, Article 4, Part III, Section I, Articles 27, 29, 31, 32, 33 & Section II, Article 27. Also Section III Article 47).

i. Secondary Sources: There was a limited amount of secondary source data available in this field of research, and a lack of reliable data and statistics particularly on services, built areas, and permits. The research, therefore relied on primary source data in respect of variables considered to have contributed to the deterioration of the built environment.

ii. Demographic Data:- No population census was conducted in the OPT during 1967-1994. Therefore available statistics and demographic information vary wildly from one source to another and was often based on estimated official Israeli statistics. These statistics are controversial in terms of what the Israeli authorities consider to be the "legal" population. The West Bank population estimates (excluding Jerusalem) was 1,067,000 and the Gaza Strip was 633,000 in 1988 according to the West Bank Data Base Project (WBDP), while the Israeli Central Bureau of Statistics (ICBS) estimates were 868,100 and 565,600 persons respectively, (PRC, 1993). The Palestinian Centre for Engineering and Planning (CEP) estimates for 1990 were 1,482,000 for the WB (including Jerusalem), and 773,000, (CEP, 1992).

Furthermore, there is always the added complication of the population in Arab East Jerusalem which was illegally annexed by Israel. The ICBS Palestinian population estimates always exclude those living in Jerusalem and its surrounding Arab villages and towns. The expansion of Jerusalem boundaries over the years and the progressive inclusion of more Arab land and villages resulted in further confusion over the real definition of what Israel considers to be the Palestinian population. Omission of such definition from ICBS estimates renders it unreliable and according to Palestinian sources "highly suspect", (Planning and Research Centre PRC, 1993).

The ICBS publishes estimates of population structure and growth annually. Researchers found that these lack the necessary details, (PRC,1993).In 1987, ICBS has published

a set of five population projections for the OPT population using certain assumptions on mortality, fertility and net migration balance according to the PRC. The projections differed by 4.6% in the GS and 3.4% in the WB in the 1991 estimates. Other sources, such as the WBDP, HABITAT and other local NGO's estimates varied considerably from the ICBS estimates, (Ibid).

The CEP based its population estimates on both, the last Jordanian census for the West Bank, which was carried out in 1961 and the only census carried out by the Israeli authority in 1967. Its final estimate was based on assuming an average population growth rate of 3% for the WB and 3.5% for the GS, (Table 1 below, CEP, 1992, p.21). However, various population estimates are used in this research according to their sources and referred directly to these sources.

The un-reliability of demographic data created difficulties for researchers in planning and forecasting population needs. The knowledge of age and sex distribution, median age, rate of fertility, morbidity and mortality are pre-requisites for estimating the dependency ration in society, assess level of deficiency and availability of services in the areas of housing, health, education and employment. Absence of such knowledge restricted researchers ability in obtaining reliable data for their work in Palestine, (CEP, 1992)

Deficiencies and limitations of ICBS and other Israeli official statistics was noted by Palestinian, Israeli and International researchers, (CEP, 1992,p. 18 & 19, PRC, 1993, Chapters I& II, WBDP, 1988, Introduction). It was therefore difficult to obtain accurate data related to available services and spaces relative to the population.

iii. City Boundaries:- City boundaries were also a controversial issue as the Israeli authorities only acknowledged 1942 municipal boundaries envisaged by Kendal in his Master Plan for Palestinian towns during

the British Mandate, (Chapt.II, p.63). The occupation authorities were not very clear about what they considered to be the boundaries of Nablus district. Although a proposal to increase Nablus city boundaries was approved in 1986, the Master Plan submitted based on the new expansion, continued to be rejected by the CPD until the completion of the survey. Therefore the new boundaries could not be effected. However, the term used in this study will refer to the old boundaries.

4.3 Access to data: In addition to the scarcity of accurate data and information and lack of hard evidence, it became clear during the pilot visit to Nablus in 1992 and the data gathering stage, that even some of available information, would be difficult to obtain. Because of the circumstances at the time the survey was conducted, fear, mistrust, and uncertainty, some Palestinian officials and residents were discouraged from giving their views openly.

Some of the information obtained during informal interviews and observation, although helpful in providing a better understanding of certain problems under investigation, was deliberately left out of the data analysis and as valuable evidence in order to protect its sources.

Access to Israeli military officials and planners or civilians working under their supervision proved to be difficult during the pilot and the field visits. Requests to meet with officials in the Higher Planning Council or the Planning Department within the Civil Administration were refused. Previous researchers also recorded difficulties in obtaining access to, or information from, Israeli planners with regard to the authorities' official plans for the development of Palestinian towns ⁷.

⁷ See, The Formulation of Planning Policies, S. Abed 1986, the West Bank and Gaza Atlas, Benvenisti 1984, Limitations on Building of Residences B'Tselem, 1990, and Town Planning Under Military Occupation, Coon, 1992.

An aim of the study is to provide objective views of the facts. Absence of official Israeli views as a result of their refusal to assist, comment or cooperate could only be considered supportive of the research proposition.

4.4 Occupied Palestinian Territories: This term, used throughout the study, refers to the West Bank and Gaza Strip. The West Bank was under Jordanian rule and legislation until 1967, while the Gaza Strip was under Egyptian administration. Although the Israeli planning, regulatory policies and administrative structures in both were similar, laws that prevailed before the occupation were different and therefore the changes were not identical. While there is reference to Israeli policies and practices in the OPT in general terms, analysis of these policies and their implication in this study, is confined to those implemented in the West Bank.

4.5 The Impact of the Peace Accord: The survey was completed at the end of July 1993, weeks before signing of the Peace Accord between Israel and the PLO. The information included and analyzed in this study refer to the condition of Palestinian towns according to the data collected during the survey and information available until September 1994. A year after signing Accord, Nablus was still under military occupation although there was partial army withdrawal from the municipal boundaries of Gaza and Jericho. As the final outcome of the peace negotiations will take years to achieve (DOP, September 1993), the study does not consider any changes in the political situation or physical condition of the built environment beyond 1994.

(5) Definition of Terms:

The Built Environment: As the dependent variable; this refers to the existing old and modern buildings, new developments in both the historic core and the new centre of the city (shops, offices, businesses, residences,

factories) as well as urban spaces (open areas and amenities), and infrastructure (including; services, roads and transport facilities).

The Deterioration of: The indicators of the deterioration in the built environment include:

1. Shortages in the provision of public services, retail and office space, recreation facilities relative to the increase in population, and pressure for growth and development.
2. Inadequate capacity of the service networks, including water, electricity, drainage, and communications in relation to the increase in demand (ie increase in the number of subscribers).
3. Congested roads, insufficient parking capacity, and inadequate public transport facilities which could not cater for the increasing demand.
4. Lack of maintenance, improvement, or upgrading of the existing buildings in the study area and of public utilities.
5. Poor quality design and construction of the new buildings which were built without conforming to building regulations, safety and health codes and without supervision from professional and official authorities.

City Centre: This refers to the study area which includes both parts of the city centre, the historic core which comprises: khans and shopping streets, small factories mosques and residential quarters, and the "modern" centre which comprises: shopping streets and precincts, offices, banks, clinics and public facilities.

Israeli Administration: As the independent/explanatory variable which refers to Israeli policies and practices during the occupation of the OPT. It was difficult sometimes to disentangle the strict implementation of these policies from the practices of the Israeli army and officials dealing with what should be considered civilian administrative issues including; methods used to collect

tax, refusing building permits without sufficient explanation, arbitrary decisions to seal property or close business. The fact that most of these practices were "legally" based on the laws (military orders) passed by the Israeli authority, gave the Israeli administrators the flexibility to carry them out as they saw fit. Such practices were carried out more severely during disturbances and particularly during the Intifada as a form of collective punishment.

However, for the purpose of this research, an attempt was made to distinguish between the policies and practices measured as independent variables which created obstacles to development. These were defined as follows:

Policies: Changes superimposed over original Jordanian laws which included;

- Acquisition and control of land and natural resources.
- Planning laws and Building Permits; procedures and constraints
- Land Ownership/registration requirements, (Chapter VI, Sec.1)
- Fiscal policies, (Chapter VI, Sec.2).
- Administrative and legislative authorities (central and local), including the powers of Palestinian local authorities and institutions.

Practices: Most of these are related to and justified as, security measures. Although some of the practices were based on new policies imposed by the Israeli administration, the methods used for their implementation could not be distinguished from severe security measures, (Chapter VIII below). The independent variables selected as indicators are:

- House demolition and sealing of property.
- Curfews, area closure and control of circulation.
- Tax collection procedures.

Jewish Settlements: This refers to the settlements built by the Israeli authorities on confiscated Palestinian land, which are considered illegal under international law. Although the term Jewish does not appear on the Military Orders by which settlement buildings were granted, the term is used by Israeli officials, international and local professionals and various researchers on the subject matter. According to Coon, the qualification to live in a settlement is to be Jewish, not an Israeli. This is clearly demonstrated by the fact that although over 17% of the population in Israel are non-Jews, they were barred from living in settlements, (Coon, 1992, p. 172, and Khamayseh, 1993). The basic Law of Israel (article 1) guarantees implicitly that the land of Israel will remain in Jewish hands and may not be transferred to non-Jews as it states:

"The ownership of Israeli lands, being the lands of Israel the State, the Development Authority or the Jewish National Fund, shall not be transferred either by sale or by any other manner."

The Jewish National Fund lease requires that the leaseholder must be a Jew, that he must not employ non-Jews, that the lease must not be inherited by a non-Jew, and that any sub-lessee must be a Jew (Coon, 1992).

(6) Organisation of the Dissertation:

After the Introduction in Chapter I, Chapter II presents a review of the available literature related to the planning and regulatory policies and methods used by the Israeli military authorities and its civil administration to control development in the Palestinian territories.

The first section looks at the planning and administrative structures and policies including; land use, ownership and confiscation methods and building permit procedures. The second section reviews the literature dealing with development constraints imposed by the Administration such as the fiscal policies, and the deterioration of the Infrastructure.

Chapter III deals with the research methodology in terms of data collection and analysis. It comprises four sections. Section 1 presents the methodology background which includes review of literature covering similar research problems and constraints. The scope of investigation, research questions and hypothesis, together with variable definition are presented in section 2. Methods used to collect data and details of the questionnaire design and survey stages are included in Section 3. Section 4 describes the methods used to analyze both the quantitative and qualitative data. The analysis of the results are included in Appendices A & B.

Chapter IV presents a description and analysis of the physical condition of the built environment in Nablus centre based on the social and physical surveys.

Section 1 provides a description of the urban design and architectural styles in the city centre together with the description of activities and changing trends. Section 2 looks at the scope of the building surveys and the physical condition of buildings in the three sample areas based on the results of the physical survey. It also includes a description of the physical condition and characteristics of urban spaces and amenities.

Chapter V includes a description of the physical condition of public services and infrastructure in Palestine. Section 1 describes the public utilities, services and infrastructure in the OPT in general and in Nablus in particular. The environmental conditions in the OPT are described in Section 4.

The Israeli Administration of the Occupied Palestinian territories (1967-1994) is described in Chapter VI. The chapter presents an interpretation of data and analysis of the Israeli planning and regulatory policies and restrictions imposed on urban development during the occupation. Section 1 examines the changes imposed on Jordanian laws and reviews the Military Orders issued with regard to land, planning policies, procedures and

structures. Section 2 looks at the changes imposed on the financial sector in the OPT during the occupation and their implication for urban development.

The impact of the Israeli policies on local authorities, professional structures and institutions and voluntary organisations and laws regulating development are discussed in Chapter VII. Section 1 describes the role of Palestinian local authorities, academic and professional institutions, private formal and informal sectors under the occupation. While Section 2 provides a brief description of the building regulations, codes for construction quality control, health and safety codes, environmental and conservation policies under the occupation.

Chapter VIII describes the implication of Israeli military practices and security measures for the built environment and people's ability to develop their towns and improve their living conditions.

The final chapter, Chapter IX, includes a summary of the main elements of the research and draws conclusions based on its findings.

TABLE 1
POPULATION DISTRIBUTION, 1990
(THOUSANDS)

TYPE OF COMMUNITY	REGION									
	STATE		NABLUS DISTR.		JERUSALEM DISTR.		HEBRON DISTR.		GAZA DISTR.	
	POPULATION	%	POPULATION	%	POPULATION	%	POPULATION	%	POPULATION	%
Urban -	978	43	157	23	319	55	95	40	407	53
Semi-Urban	125	5	60	9	19	3	24	10	22	3
Rural	782	35	395	59	205	35	110	46	72	9
Refugee	380	17	57	9	41	7	10	4	272	35
TOTAL	2265	100	669	100	584	100	239	100	773	100

Estimated Palestinian Population in the Occupied Territories, Source: CEP, 1992.

CHAPTER II

Political and Administrative context

Review of the available literature related to the planning and regulatory policies and methods used by the Israeli military authorities and its civil administration to control development in the Palestinian territories.

Introduction:-

The aim of this chapter is to examine and analyze the literature available on the effect of military occupation on urban development in Palestinian towns.

The political conditions that prevailed in the OPT during the study period (1967-1994), were unique at the time the research was carried out. Consequently, the absence of comparative studies, on similar conditions in other countries, had limited the literature search to that available on the Israeli military occupation of the Palestinian territories.

The literature that has been reviewed in this chapter is focused on the policies and regulations that were enforced by the Israeli authorities during their administration of the OPT and their implication on urban development. The literature, that was available during this research, was limited and revolved around the planning and land use issues in the OPT from the legal and political point of view. Other studies examine the economic situation and fiscal policies and the effect of the military occupation on the economy. A number of reports and studies were carried out by local and international organizations particularly U.N. bodies examining health and educational facilities, employment, agriculture, trade and industry in Palestine during the occupation.

During the initial stage of searching for documentary references, it was difficult to find data related to the physical condition of Palestinian towns⁸, or existing policies dealing with their development. Although some reports and studies had been carried out which identified problems of traffic, services and public utilities, and

⁸ One of the few studies available at the time this research was carried out, is a PhD thesis on the physical condition of the Qaysaria Quarter in the old city of Nablus, (Save the Old City of Nablus, Qamhiyeh, 1992).

put forward proposals for their improvement, the accuracy of most of their findings were qualified due to the shortage of reliable data.

As a result of the peculiar political conditions in Palestine, and the evidence of deterioration in the physical condition of the built environment in towns and urban centres, it was important to examine the prevailing policies and regulations related to urban development during the Israeli administration. This aimed to assess the suitability of these policies to create the right environment for urban development, encourage investment and improve living conditions. A major part of the search for documentary evidence, therefore, focused on the available data related to the Israeli policies for planning, land use and development and their evolution, application and consequences. It also concentrated on the methods and extent of development controls in the West Bank in general and Nablus in particular and the composition and powers of the administrative structures.

Thus, the review helped in providing the political and administrative context of urban development in Palestinian towns between 1967 and 1994. It attempts to establish if the Israeli administration and its subsequent policies and controls had played a major role in restricting urban development in Palestinian towns, such as Nablus, and contributed to the deterioration in their built environment, which subsequently initiated the basis of this research proposition.

The literature points out that the Israeli policies had limited the local councils' ability to develop, expand, or even maintain the buildings and services in their towns. Furthermore, it argues that the administration did not create the right environment for investment which discouraged local Palestinians from improving, upgrading or maintaining their properties and businesses. With limited available material it was difficult to make a critical review of the literature. Some of the reviewed documents

were presented in article form, small reports and books. The shortage of new data and research, resulted in overlapped and often duplicated work. Additionally, the unavailability of documentary evidence of Israeli official development policies or contradicting work, by official or independent sources, related to the published data meant that all the work reviewed below covered work which is mainly critical of the Israeli policies.

This review, therefore aims to establish the political and administrative context relative to urban development based on available literature.

Review of available literature related to control of development in the West Bank:

The available literature covers issues related to the changes imposed by the Israeli authorities on the use of land and natural resources, planning and regulatory policies and administrative structures. Apart from a few limited studies on the condition of services and infrastructure, no studies were found to have examined the condition of the built environment in Palestinian urban centres.

This review, will describe and analyze some available reports and studies, which covered the relevant aspects of the Israeli administration of the West Bank, particularly planning, administrative structures and procedures. In addition to the limited number of such studies, limited sources of information and inability to obtain new material, many of these studies were found to be similar and only duplicate information.

The review therefore involves a selection of these studies, which were considered to be more comprehensive in each particular field. It also covers two other major topics that are considered to have restricted development namely; fiscal policies and the condition of the infrastructure.

A more thorough analysis of the Israeli policies and military orders, relevant to urban development, based on data interpretation and the survey findings, is presented in Chapters VI, VII and VIII below.

SECTION 1: Planning Administrative Structures and the Planning Process

1.1 General :

The change in the planning administrative structures and procedures in the West Bank after 1967, was well covered in a number of documents. This was of particular importance to the research topic as this change had the most profound implication on development in the occupied territories. Benvenisti⁹ demonstrates his views about this subject in his book "A survey of Israel's Policies", 1984. He argues that the official planning for land use and the permit procedures in the West Bank were the main tools used by Israeli authorities to takeover land in the OPT.

In a review of these policies and of the Military Orders issued on this subject, he points out that the Israeli authorities started to exercise their control over buildings and development in the West Bank by issuing M.O. no.393 in 1970. This order gave the military governor the right to prohibit, halt or impose restrictions on buildings. By 1971, the authorities issued M.O. No.418 which modified the Jordanian planning laws for towns and villages of 1966.

As a result of this order, the Arab planning committees (local, district, and regional) were abolished and all responsibilities for planning were given to the Israeli Higher Planning Council, appointed by the military governor, and formed of Israeli officials under his command.

⁹ Benvenisti, Dr. Meron, is an Israeli expert on the subject of Israeli planning and land use policies in the OPT. He is also the director of the West Bank Data Base project which involved conducting and publishing a number of studies in this field.

Benvenisti is one of the few people who could have had access to official Israeli documents dealing with the government's planning policies. However, in another of his West Bank Data project studies, "The West Bank and Gaza Atlas", also related to the Israeli planning policies in the West Bank, he refers to the "less than satisfactory cooperation rendered by the authorities.", (Benvenisti and Khayat, 1988). In the process of collecting data for the project, the planning team encountered insurmountable obstacles according to Benvenisti and his co-author Khayat¹⁰, the team discovered that;

"basic facts and figures, without which no planning project is feasible, are non-existent at best, misleading and biased at worst." (Introduction, ibid, 1988).

The difficulty in obtaining basic data is also reported by B'Tselem (Israeli Human rights organisation) as it notes that;

"It is difficult to avoid the impression that a purposeful attempt is being made to avoid passing any information characteristic of the West Bank planning and building authorities' policy towards other interested parties" (Limitations on Buildings for Residences on the West Bank, B'Tselem, 1990).

Benvenisti argues that, the declared objectives of the Master Plan of the World Zionist Organization (WZO 1983-1986) are;

"to disperse maximally large Jewish population in areas of high settlement priority, using small national inputs and in a relatively short period by using the settlement potential of the West Bank and to achieve the incorporation of (the West Bank) into the (Israeli) national system.", (Benvenisti, 1988).

¹⁰ Shlomo Khayat is an Israeli architect and planner and was the head of the Central Planning Department of the Israeli military administration between 1970- 1980.

To achieve this ambitious political objective, it seems to him obvious, that the government needed to acquire land in the territories to develop these settlements, land that it did not own. Consequently land had to be confiscated by a variety of methods, namely zoning, restrictions imposed on land use, and finding "legal" excuses for confiscation and expropriation of land from its original Palestinian owners. Thus depriving the residents of their main asset for expansion and development, (ibid).

In his book, "Occupiers Law", Raja Shehadeh looks at a variety of aspects and implications of the occupation from a legal point of view, including international law.

In Chapter Two of the revised edition of his book, he examines the restrictions imposed on the use of land which had not yet been seized by the military authority. He also examines the plans prepared by the authorities and their implication on the Palestinians ability to use their land. Under "Town Planning", he argues that not only did the Israeli regional and road plans restrict land use outside the towns and villages boundaries, but also within their boundaries (Shehadeh, 1988, p.50-61).

The replacement of the military administration of the OPT by a "Civilian Administration" in 1982 (M.O. 947), according to Shehadeh, might have led to misunderstanding the role of the military. The establishment of such a body gave the impression that a lot of the civil issues in the West Bank would be handled by civilians. The reality was that all these "civilians" were appointed and supervised by the military.

This is well covered in Chapter three of Shehadeh's book, where he examines the effect of M.O. 947 on the planning structure in the West Bank under "Administrative Structures" (p.69-74). He demonstrates that the issue of this order did not change anything, since the "Civilian Administration" was established by the Military authority and in fact its creation was issued by a military order.

Shehadeh states that the West Bank military commander appointed the head of the Civil Administration, delegated to him any powers or authorities he chose and, increased these powers or reduced them as he saw fit (Ibid).

This was further confirmed in M.O. no 950, 1982, where the order states that the Israeli Military Command remained the direct and ultimate authority in the West Bank. The Civilian Administration offices were located in the military command Head Quarters in Betem village, where entry was severely restricted as far as the Palestinians were concerned.

In his book, "Town Planning under Military Occupation", Coon examines the implications of the planning policy enforced in the West Bank between 1967 and 1992. The book is based on a report he carried out to investigate the law and town planning policies in the West Bank¹¹. He argues that the statutory planning system emphasized by the military government through the mechanism of town planning had influenced the social and economic development, transport and environment in the West Bank, (Coon, 1992).

1.2 Planning Structures before and after the Occupation:

Soon after 1967, the Israeli authorities began to revise and change the Jordanian laws that existed on the eve of the occupation. Military orders were issued amending planning and regulatory authorities and laws. The legal and administrative basis for planning in the West Bank are examined in chapter three of Coon's book. He then describes the implication of M.O. 418 and other planning and political decisions taken by the Israeli authority which transformed the basis for planning in the West Bank (Ibid, p.55).

¹¹ Coon was commissioned to investigate the Israeli planning policies in the OPT by Al-Haq, a Palestinian human rights organisation and an affiliate of the International Commission of Jurists.

In this chapter, Coon reviews the Jordanian Planning Law which prevailed before the occupation, and demonstrates how the military government took liberty in using and abusing that Law to achieve its own political aims of colonization. This, he found, was characterized by the expropriation of land and the restriction of development, and by depriving the Palestinians of any representation. It was also demonstrated in denying them permits for development and demolishing houses built without permits while their land was systematically and gradually confiscated and used for the development of Jewish settlements.

During his research for this book, Coon found that almost all agencies responsible for planning were appointed by the Military authority. The Central Planning Department was responsible for all planning outside municipalities which denied the local residents any representation at any planning level, (Ibid). It also meant that with weak or dissolved local councils, the indigenous population had no channels to express their needs or any authority to cater for their priorities and requirements for development.

Although municipalities retained some of their powers, such as preparing plans and granting permits, most councils were Israeli appointed, short staffed, and short funded. Their boundaries had not been expanded in spite of population increase, nor had any new municipality been created during the occupation except Jewish settlements councils (Ibid, chapter 3, p.62).

In his paper "Land Use Planning in the Occupied Palestinian Territories", Abdulhadi describes the Israeli planning authorities policies, procedures, and practices in the OPT after 1967, and assesses their role and impact on what he considers to be a process of colonization, (Abdul Hadi, 1990). In the section entitled "Master Plans and Planning Laws" he reviews the Israeli planning strategies following the occupation. He also includes a description and quotes from the "Guidelines for regional and physical planning for Judea and Samaria" of 1970, "Allon's Plan" of the same

year, and the World Zionist Organization master settlement plan finalized in 1981, and later updated by Drobbless in 1983. According to Abdul Hadi, these plans were mainly strategic and although they did not spell out the means to achieve them, the methods of achieving them were however included in the military orders which amended the planning laws that were in force before 1967.

Abdul Hadi states that under Jordanian Law, planning followed widely accepted international practices whereby town plans were prepared on the basis of up-to-date physical and demographic surveys. This allowed them to take into account the anticipated social and economic needs of the population. He explains that the Jordanian planning law of 1966, defined the planning structure and the functional relationships between the local, the district, and national planning levels. In addition it provided for the participation and input from non- official organizations, and from local communities, (Ibid).

Benvinisti points out that the available demographic data was unreliable and varies substantially from one source to the other. He explains that the only census, for Palestinians in the OPT was carried out immediately after the occupation in September, 1967, while two full censuses were conducted in Israel, in 1972 and 1983 . He adds that by 1972, three different figures were published for the West Bank population, (Benvinisti, 1988, p.27).

Benvinisti demonstrates the contradiction within Israeli estimates and draws attention to the fact that in 1980, three different official population estimates were published: the Israeli Central Bureau of Statistics estimate of 704,000, the ministry of Interior estimate of 871,000, while the staff officer in the Military Government published his own figure of 750,000 (Ibid).

Most researchers found that municipal boundaries and the extent of the councils jurisdiction also varied as each side looked at it from his own political point of view.

The absence of reasonably accurate data, many argue, meant that there could be no realistic assessment of peoples needs and demand for development and expansion. Furthermore, the status and weakness of local authorities had deprived the population of any local representation, right of objection or appeal against decisions taken by the occupation authority.

Abdulhadi, in agreement with other authors, considers that the most significant results of the Israeli military orders, which amended the Jordanian planning law (over 10 M.O.s), were the extreme centralization of the planning process and the widening of the planning powers of the occupation authorities. This, he found was demonstrated in the following orders:

- M.O. 393 issued 1970, which authorized the military commander to forbid, halt, or set conditions for construction.
- M.O. No.418, issued in March 1971, which had vested all planning authorities in the Higher Planning Council (HPC). The HPC was given extensive powers to suspend any plan or license anywhere in the West Bank, including the municipalities which in principle retained the authority to grant permits. While ultimate authority rested with the HPC, the Central Planning Department (its executive arm), was directly involved on a day to day basis in every aspect relating to planning and construction activities which included issue of permits and carrying out demolitions.

Abdul-Hadi points out that, the second crucial result of the above orders was the removal of all local participation from the planning process. Military Order 418 formally eliminated the input of all non-official institutions at all levels and abolished both the district planning committees whose powers were assumed by the HPC.

He argues that this council, composed solely of Israeli officials, also controlled local committees and the village committees which replaced the original village councils with no local participation. The above committees, he explains, were composed of representatives of various departments of the Civil Administration who, in his view, did not represent the local interests in any way.

Abdulhadi notes that although some token Palestinian representation existed in the Regional Local Committees from the six major regions in the West Bank, the representatives were employees of the Civilian Administration and had no real power. Their main function, he states, was to receive permit applications and other requests from local residents and direct these to the Local Committee for Planning and Construction (Ibid).

Abdulhadi and other authors all considered the situation created by the Israelis as a case of extreme centralization of power solely controlled by a military occupation authority. Centralization may be a way to describe the fact that all indigenous civil legislative authorities that existed before the occupation were replaced by the military occupation authorities or their subordinates. More significantly, he argues, was the fact that the military authorities had political interests that conflicted with the indigenous population's own interests.

UNCTAD found such claims were clearly demonstrated in the restrictions imposed on development, expansion and finance available for the Palestinian local residents. Moreover, Israeli settlers in the West Bank were provided with generous funds, services and government support, and were encouraged to expand on confiscated Arab land, (UNCTAD, 1987).

The amendment of the Jordanian Planning Law of 1966 and how it was amended by M.O. 418 is also discussed in detail, in a paper by Muna Rishmawi entitled "*Planning in Whose Interest?*". Rishmawi explains that Jordanian planning law

is based on a multi-level hierarchy, with each level having its participants, jurisdiction, powers, and goals clearly defined by law (Law No. 79, Section II, Articles 4-12, 1966). She states that the Israeli military orders cancelled the middle planning levels replacing them with special committees without specifying these committees' goals, jurisdiction or participants. The Jordanian law, also assures the participation of the local population and indigenous institutions in each level of the structure (Table 11 below).

Rishmawi maintains that the Israeli military orders changed this structure which denied the local population and indigenous institutions any role at all at the top level, and any significant role at the bottom level (Rishmawi, 1986). In a brief outline of the "Planning Structure", she describes how the military authorities changed the decision making roles by appointing a military official. The official took over the responsibilities of the Jordanian Minister for Interior as the head of the Higher Planning Council until 1985. Later, this post was filled by an Israeli appointee from the "Infrastructure branch" of the Civilian Administration in the West Bank. According to Rishmawi, this official was also responsible for the confiscation of Palestinian land, and the establishment of Israeli settlements on these lands (Ibid).

Rishmawi argues, that appointing a person with such responsibilities as a head of planning in the West Bank, is an indication that the authorities were planning in their own interests. It also indicates that they were not planning in the interest of the indigenous Palestinian population as the International law requires an occupying power to do.

She adds that the Central Planning Department (CPD) which used to be under the jurisdiction of the Minister for Interior before the occupation also came under the "infrastructure branch" of the Israeli Civilian Administration. This department was responsible for

preparing regional and outline schemes for towns where these plans did not exist, and to serve as a consultant for planning committees, amongst other things.

Rishmawi explains that the (HPC) acted under the Jordanian law, as the main planning body with varied responsibilities. These included: zoning, approving planning schemes for the West Bank and amending or cancelling building licenses granted by the lower planning levels. The Council also served as an appeal committee for decisions made by the District Planning Committees (Ibid). Under Jordanian law, the HPC must include representatives of the Engineers Association, the Attorney General, the Head of the Housing Corporation and a number of individuals representing local interests (Article 5.1 of Law No. 79, 1966).

Rishmawi demonstrates how Military Order 418 gave the Area Military Commander, the authority to appoint this council, without specifying its composition (Article 1a, 4a & b of the order). She points out that this council was composed of Israelis. Military Order 418 also granted the HPC authority to assume jurisdiction over the other committees, and was also given greater authority in amending, suspending and cancelling a license. Article 7 of the order gave the Council further rights to appoint sub-committees and to define the authority and jurisdiction of these committees. Item 2, Article 2 of the order abolished the District Planning Committees were consequently, and transferred their jurisdiction to the HPC (Ibid).

Rishmawi reviews Military Order 604 which amended M.O. 418 and allowed the military commander to;

"appoint special planning committees as well as secondary committees subject to the authority of the higher planning council, in areas outside the Jurisdiction of the municipal or village councils."

She argues that the committees that were abolished had guaranteed in the past, while under Jordanian law, that

the local population played a crucial role in the planning process, their responsibilities included:

1. Approving detailed plans in the areas
2. Serving as an appeal committee to look into objections submitted against the regional, outline and detailed plans in the area of their jurisdiction and making recommendations to the Higher Council.
3. Serving as local committees in the area of their jurisdiction such as in villages and zones where no local committees existed (ibid).

Rishmawi demonstrates, that most of the West Bank towns and villages before 1967 enjoyed the role of the Local Planning Committees. Their responsibilities included; the preparation of outline and detailed plans, organizing construction and issuing building licenses and violation notices. She adds that in addition to marginalising the role of the remaining councils, most of the local elected municipal councils were dismissed in 1982 and were replaced by Israeli appointed mayors/officials.

Rishmawi concludes that by changing the structure of the planning hierarchy in the West Bank through amendment of the Jordanian laws, Israel had denied the local Palestinian population the right to participate in the planning process. According to her, this had been done, while at the same time the Israeli settlers were granted representation. Thus Israel, had been able to plan for the West Bank in a way that serves its own exclusive interests, (ibid).

In the Introduction of "The Legal Status for Planning in the West Bank", a study by Dr. Awni Bader, Faculty of Law, Al-Najah University, Nablus, Bader reviews the history of the laws related to land use and planning issues since the Ottoman rule of Palestine, the British Mandate and the Jordanian rule until 1967.

He points out that Jordanian laws of 1953 included Land Ownership and Use Act, later replaced by Town and Village

Planning Act 1955, Municipalities Act and the Road building and Maintenance Act in 1957 (Bader, 1990).

The Town Planning Act was reviewed, updated and replaced by the new 1966 Act. Bader notes that during that year a number of regional and Local plans were prepared. In line with other researchers' views on the subject matter, he confirms that after the occupation the Israeli authorities reviewed and revised the Jordanian laws. He argues that the authorities cancelled part of these laws and reintroduced some of the British laws related to control of development and expansion of cities and other subjects related to planning.

Bader finds that this practice is best demonstrated in the revival of "Kendal Master Plans" prepared in the 1940's by Kendal, a British Architect, for Palestinian towns. The plans were modified and adopted in a new Master Plan in 1982 by Israeli planners (ibid). In the study, Bader reviews the main Israeli planning policies and revisions of planning laws. He also focuses on the Military Orders which revised the 1966 Jordanian Building and Planning Laws, and describes the Israeli Master Plan for the cities and towns in the Middle of the West Bank, and the proposed Israeli road plans, (ibid).

Bader examines the Military Order restricting construction and building works by Palestinians in the West Bank while permissions for the building of Israeli settlements were swiftly granted. He then describes the revisions to legislation and planning policies. In his view, the dissolution of previous planning bodies and its replacement by Israeli Higher Planning Council, and the added powers of the new council further limited the freedom of residents to develop their land (M.O. No. 418, Article 7).

In his view dissolution of previous planning bodies and its replacement by Israeli Higher Planning Council, and the added powers of the new council further limited freedom of residents to develop their land (M.O. No. 418, Article 7).

The aims and consequences of issuing both M.O. 392 and 418 cannot be overestimated. Many authors academics and professionals have thoroughly analyzed and reviewed them over the years (Abdul Hadi, Bader, Benvinisti, Coon, Khamayseh, Rishmawi and others).

One can only conclude that these two orders and their subsequent amendments had caused the most significant changes that affected the development of Palestinian towns during the years of the occupation.

The above studies demonstrate how the changes imposed on planning administrative structure and procedures, had adverse effects on the lives of the local residents and their towns and cities. These changes deprived them of virtually any local representation, professional expertise and legal guidance, and of participating in decisions which affected their lives and future. Consequently, local Palestinians, uncertain of their future prospects under the control of their occupier, were discouraged from investment to improve their environment and living conditions.

1.3 Land Use and Permit Procedures:

The imposed land use and zoning regulations added more pressure on Palestinian towns and villages. The different methods used to confiscate land or to stop the owners from its development resulted in less land available for expansion. Consequently, the concentration of the population in contained areas added more pressure on its already overloaded and dilapidated services and roads. Centres of towns and villages, in particular, suffered as permits for housing were still relatively easier to obtain as long as they were built within the municipal boundaries. Therefore most of the construction activities were concentrated in the centre. This was one of the main factors which affected the physical environment urban centres, such as Nablus, which was confirmed by municipality officials, academics and professionals, (Nablus Municipality Annual Report, p., 1987, Field Survey, 1993).

Land Ownership: According to Benvenisti, the confusion over the issue of land ownership in the West Bank, which prevailed during the occupation, gave the authorities a very effective tool to help it achieve its objective in controlling the Palestinian land (Benvenisti, 1984). Benvenisti found it impossible to describe land ownership in the occupied territories in terms of deeds, registered land and land dispute (Benvenisti, 1984, p.99 Arabic translation). He found it equally impossible to find the legal framework that was governing land ownership. He argues that the Israeli authorities had tried to use every legal or illegal means to take over land in the occupied territories (Ibid).

According to Benvenisti, a number of terms were used to describe the meaning of land under Israeli domination. He found no agreement as to how to describe the real meaning of the measures taken by the Israeli authority regarding land ownership. Some measures were described as "take over", "confiscate", "closed areas", "state land", and "absentees land". He argues that some observers saw even the measures taken to control land use as also means to take over land (Ibid).

Benvenisti analyzes these measures thoroughly and gives the (following) definition;

"The areas taken over by Israel directly as areas where owners or custodians do not enjoy their ownership rights. This is a result of the legal, semi legal or repressive measures imposed by the military authority, or the Israeli official or semi-official institutions" (Ibid, p.100-116).

According to Coon, the Israeli refusal to recognize most Palestinian ownership rights, was a further impediment to Palestinian development (Coon, 1992). The land ownership law in the West Bank was still following the Ottoman Land Code of 1858. Most of the land in the West Bank, at the time of the occupation in 1967, was either not registered or not registered under one name. To overcome the complexity of land laws and lack of registration, the Jordanian government began to survey and formally register

all land. However by 1967 only 38% of land registration in the West Bank was completed (Ibid). The Jordanian law also did not require that the applicant for a building permit, should be the owner of the land. It also did not consider the lack of registration as a bar to issuing a permit (Jordanian Law No.79, article 2(26), 1966).

After the occupation, the Israeli authorities stopped the process of land registration. Furthermore, it did not recognize the owners right to land which was not registered. Consequently, it did not allow the subdivision of land and refused development permits for any plot which was not registered (Ibid).

Until 1986, any application for subdivision of land within municipal boundaries was decided by the municipalities. This was mainly based on the need to divide large plots into smaller ones and to reorganise the shape of some plots into buildable units. Although any proposal for subdivision must be approved by the CPD, the Survey Department of the Civil Administration, together with the municipal councils, adopted a relaxed attitude to that need (Coon, p.119, 1992).

This attitude changed, following the Intifada, and the CPD instructed the Survey Department not to approve such subdivision until a detailed plan had been submitted by the relevant municipality and approved by the CPD. Since no such plans were approved for most towns, the net result of the new instructions was that no subdivision of land would be allowed, which further restricted the municipalities' ability to develop land (Ibid). This was a major factor which discouraged Palestinians from developing their properties.

A large number of the original West Bank population were either denied residency permits in their own home town after the occupation or were not allowed to return. Many properties and land plots were shared between families who did not enjoy the same residency status. In effect, the

majority of owners with this kind of problem could not apply for permits as they had absentee partners and they feared that the authorities might claim it as absentees' properties, (Abdulhadi, 1990).

The methods that the Israeli authorities used to take over Palestinian land were complex and varied. These included: unregistered land, land registered in more than one name, land incorrectly registered and absentees' land (Coon, p. 117, 1992, and Chapter V below).

Land seizure:

Land seized by the Israeli authorities could fall under any of the following categories:

1. land seized for military purposes.
2. areas closed for training purposes.
3. land confiscated for public purposes
4. land seized by declaring it "State Land"
(Benvinisti, 1984).

Confiscation of land is discussed in an ILO Report, under "The Israeli colonization policy and its repercussions". The Report found that during the period 1967 to 1985, the total surface area of land seized by the Israeli occupation authorities in various areas of the West Bank amounted to 2,508,248 donums representing 56% of total surface area of the occupied West Bank. This seizure of land was in line with the Israeli policy to colonize these regions according to the report (ILO, Appendix III page 43-44, 1985). The report points out that the occupation authorities confiscated land in the occupied Arab territories by virtue of the following legislation:

- (a) the regulation of 1943 concerning the expropriation of land in the public interest, promulgated by the British Mandate administration;
- (b) the Defense (Emergency Regulation) promulgated by the British Mandate administration in 1945, under which military governors could evict residents and confiscate their land and real estate;

- (c) the Emergency Regulation (Cultivation of Waste Lands) of October 1948. Under this Act, the Ministry of Agriculture could confiscate land of its choosing, after its green patrol previously made it barren. This was carried out by spraying the crops with substances capable of transforming fertile land into barren land in a short period of time. After this step was taken, the Ministry issued orders to confiscate this land in order to set up colonies;
- (d) the Emergency Regulations (Security Zones) of 1949 on the confiscation of property, under which any governmental body could seize a property for reasons of national security;
- (e) the Absentees' Property Law adopted by the Israeli Parliament in March 1950 to replace the Emergency Regulations on Absentees Property of December 1948.

The proportion of Palestinian land confiscated by the Israelis had been updated over the years by various sources as more land was systematically and gradually brought under their control. A report by UNCTAD estimates that, by 1993, as high as 68% of Palestinian land was under the control of the Israelis (UNCTAD, 1993).

Land Use: Under *Regional and Road Plans*, Abdulhadi describes how the occupation authorities proceeded with integrating the territories into the Israeli system after altering the existing planning laws. He reviews the 1982 Jerusalem plan which was the only regional plan made public and believed to be the regional master plan for the northern part of the West Bank. The plan was referred to by officials in the Central Planning Department as a guide to the local town plans or building permit considerations. The plan divides the area into six major zones including; Arab Development, Special Use and Future Planning, Nature Reserve, Agricultural, and Roads (Abdulhadi, 1990).

He demonstrates how the authorities used these zones to exercise the most stringent controls especially Special Use and Future Planning zone and Nature Reserve Zone, which in

effect removed these areas permanently from Arab hands. He quotes *Benvinisti's* description of the policy as;

"nature reserve areas is considered by the authorities as an integral part of the land seizure programme while special use areas are designated implicitly for Jewish settlements".

Another important component of Israel's land use planning in the West Bank, in his view, was the road network. This network did not only aim to link Israeli settlements and integrate them within the Israeli system, but most significantly, to bypass Palestinian communities while isolating and fragmenting them and restricting their potential for growth and development (Ibid).

In his review of the Local Plans, Abdul Hadi points out that they were prepared by the Israeli architect Shamshoni who was commissioned by the Central Planning Department. Shamshoni used the same guidelines as the Jerusalem plans for another 103 towns and villages in the northern part of the West Bank including Nablus, Jenin, and Tulkarem districts. They followed the same zoning pattern which in effect allowed a very small area for Arab construction and effectively halved the area of land which the Palestinians had access to (Ibid).

According to Abdul Hadi, no surveys were conducted prior to formulating the plans and no consultations were held with elected councils or members of the community. The projected population on which the plan was based, he adds, was less than half of the actual residing population (Ibid).

The regional and local land use planning schemes and the regional road master plan met with very strong Palestinian opposition including municipal councils and professional organizations. As a result of local and international pressure, the Israeli authorities allowed some of the towns and villages to submit alternative plans. When these plans were presented, as was often the case, they were rejected by the authorities and not one single plan was approved (Ibid).

AbdulHadi points out that, although none of the Israeli land use proposals passed into law, they were in fact put to effect by the Central Planning Department. He adds that building permits were and (at the time of his report), continued to be granted (or more frequently denied) on the basis of its regulations and restrictions.

Restrictions imposed on the use of land and prohibition of construction are described by Benvinisti and Khayat in "The West Bank and Gaza Atlas". They show that, M.O. 393, 1970 gave the Area Commander the power to prohibit construction or order a halt in construction or impose conditions if he believed it necessary for the security of the Israeli army in the area or to ensure public order (Benvinisti and Khayat, p. 60, 1988).

They explain that construction was also prohibited in areas around the IDF camps and installations, around Israeli settlements, and in a 200-meter strip along both sides of main roads. Margins of 100-150 meters on either side of planned roads in statutory plans were imposed to prohibit construction. Until 1988, a total area of 580,000 donums were affected by such regulations including 293,500 donums around Israeli sites (ibid).

Benvinisti and Khayat add that indirect prohibition of land use and construction was effected in areas declared as combat zones. The combat zones or "fire zones" were areas where the authorities had no responsibility for damage resulting from military actions. They explain that M.O. 271, 1968 limits the liability to Israelis or those "working for or coordinating with the IDF". On the other hand, Section 2c of the Order states that;

"No claim may be made, and none will be considered, and no compensation will be paid for damage incurred in an area declared a combat zone."

The combat zone extended over an area over about a million donums in the West Bank (Ibid). Benvinisti points out that while no change was made in private property rights in

combat zones, clearly no one would consider remaining in a fire zone and consequently no use could be made of the land.

Benvinisti considers that the declaration of areas as nature reserves to have been an integral part of the authorities land-seizure programme. Severe restrictions were imposed on construction and land uses in these areas (MO 363, 1969) which were indicated by a "warning notice" on maps in the land registry with no provision for compensation. By mid-1985, the authorities declared 250,000 donums of Palestinian land as nature reserves (Ibid).

Khamayseh, an Arab Israeli planner, argues that the restriction on the use of land, particularly outside municipal boundaries, and the difficulty in obtaining building permits forced many Palestinians to build without, or in violation of, an obtained permit (Khamayseh, 1989). He explains that in order to impose more restrictions on the Palestinians' ability to construct on their own land, the Israeli authorities issued M.O. 814 in 1979 which changed articles 38 and 39 of the Jordanian planning law concerning violations (Khamayseh, p.19,1989).

He found that the Order increased the fine set out by the Jordanian law from 20 JD to 100-1000 JD (5-50 times). It also increased the fine of continued violation from 5 JD under Jordanian law to 25 JD. Additional punitive measures were later issued in Articles 2-9 of M.O. 1043 which declares:

"If a person is convicted of a violation of this law, the court may, if asked, impose on him in addition to every penalty the following fines."

The order specified that the fine for construction without permit was two times the value of the building and in case the construction did not abide with the conditions of the permit, the fine was set at twice the difference between the value of the building as constructed and that if it was constructed according to the permit.

Land use planning is discussed in Chapter 2 of a report prepared by Jerusalem Media & Communication Centre GMCC in November 1992 entitled "Israeli Obstacles to Economic Development in the Occupied Palestinian Territories".

The authors of this report argue that land use and planning policies became an increasingly important instrument as the Israeli authorities progressively exhausted the legal means devised to acquire land. Legal conditions for development and land use were restricted by Israeli laws and implemented by the military orders to ensure that no development would take place without approved outline and detailed parcellation plan. The JMCC report considers this "absurd and unrealistic" in view of the fact that the Israeli authorities did not approve any development or land use plans for Palestinians after the occupation (Ibid, Section 2, P. 24). The process of land use planning in the West Bank evolved so that all Israeli planning authorities, including regional and local settlements councils were represented, while Palestinians were deprived of any representation, (ibid). The JMCC report examines the rule of International law for the administration of occupied lands, and argues that an occupier is mandated to respect and uphold existing laws, and administer the occupied territories with already existing institutions, separate from those of his own. The occupier, according to the JMCC, is obliged to implement policies and objectives which promote the social and economic interests of the local population, (ibid).

The Jordanian planning Law No. 79 of 1966 and the British Planning Ordinance of 1936 provide the legal basis for planning law in the West Bank according to the report. It points out that the Jordanian law defines the planning authorities responsible for preparing development and land use plans and monitoring development in the interest of the local population. Under Jordanian law, every stage of the planning process involves active participation of the local population and related institutions (ibid).

The report reviews the two plans that are considered as the base for Israeli regional planning and land use policies. The Samaria Regional Plan (S15) covering the north of the WB (Nablus, Tulkarim and Jenin districts), and Regional Jerusalem Plan (RJ5) covering the rest of the WB. According to Coon, the origin of plan S15 came to light when the minutes of an Israeli HPC meeting were leaked; as, the head of the CPD, explained;

"I would rather not make reference to the other permits because at the time we did not know of the existence of S15 "12.

The plans were drawn up under the British Mandate more than half a century before they were discovered by the CPD, although neither was approved by the British Mandate authorities. There are three versions of the plans; the first two issued and approved in 1942 had disappeared without a trace. The third is the so-called Kendal plan, (ibid). There are many other problems with the above two plans, most importantly that they were drawn up under quite different circumstances from those prevailing at the time the Israeli authorities chose to implement them. The population had increased four fold since, and the economic conditions and land use practices changed significantly. The plans were not applicable in the most important area, namely the local municipalities, they were neither translated to Arabic nor published, (ibid).

All the above authors argue that the Israeli authorities used and interpreted these plans selectively to provide spurious justification to prevent almost any Palestinian development outside existing towns and villages (which were themselves subject to further restrictions). As Coon demonstrates;

"However, the respect shown by the Israeli authorities to these plans has been selective. The massive programme of Jewish settlements is of course contrary to regional plans both in land use (no new settlements were shown on the plans), and in racial

¹² Moskowich, Head of the CPD, in Minutes of meeting of the HPC held on 18 June 1990 (in Hebrew), quoted by Coon, 1992, p.73.

terms(the plans make no reference to provision for particular racial or religious group." (ibid, p.69).

Construction of Jewish Settlements:

It is difficult to look at the subject of land use in the OPT without considering the objectives behind the Israeli policies and practices with regard to settling Jews in Palestinian land. Issue of confiscation of land, restrictions imposed on its use and subsequent link to establishment of Jewish Settlements "colonies" in the OPT are at the heart of the political conflict between Arabs and Israelis.

The Israeli authorities pursued a policy aiming at establishing Jewish colonies in various parts of the land it occupied in 1967 including the West Bank, Gaza strip and Golan Heights. Although various Israeli governments differed in the degree of, and declared intentions for, the building of these colonies, the process of cleansing Arab land from its owners and replacing them with Jews continued all through the occupation, (Map No 3 below). This is clearly demonstrated by the Israeli policy to ban non-Jewish Israelis from moving to these settlements, (Khamayseh, 1993) ¹³. An ILO report explains the consequences of building these settlements:

"to establish a settlement in the occupied territories means: to use its land and water resources, to build expensive infrastructure (in particular access roads) and thus to modify the environment. Furthermore these settlements are considered by the government as Israeli pockets and, as such, settlers benefit from the application of Israeli legislation and jurisdiction, as well as tax benefits." (ILO; 8974c/v.2, item 124, p.49, 1993).

According to UNCTAD; an estimated 65% of total land confiscated from Palestinians had been used for establishment of Jewish colonies, while much of the rest had been turned into closed military areas (UNCTAD, item 91,p.26, 1993). This is also confirmed by Benvenisti, who adds that the authorities engineered a special tangled

¹³ Dr. Rasem Khamayseh, is an Israeli Arab and Moslem planner.

system of primary and secondary legislations to ensure that Jewish settlers carried with them their personal and communal status when they moved to the OPT. He adds that the Arab community, however, was subject to a different set of laws, mainly issued as military orders and governed by a civil administration under authority of the minister of Defence, (Benvenisti, p. 37, 1987). Various proposals drawn by different Israeli governments for territorial compromise in the OPT and plans for settling Jews demonstrate hardening of attitudes over the years, (Map 8). The early plans drawn by the Labour government showed willingness to give back part of the occupied territories to Jordan, (Maps 8-11). The Likud government ruled out any territorial compromise and prepared plans showing settlements to be established all over the OPT, (Map 12-14).

The ILO report criticizes the dual legal and administrative system imposed in the OPT. In item 25 of the report, it quotes the country report on human rights practices for 1992 of the United States Department of State (p. 1028):

"The Palestinians are treated less favourably than Israeli settlers on a broad range of issues, including applicability of the right to due process; residency rights; freedom of movement; sale of crops and goods; water use; land tenure; ownership and seizure issues; and access to health and social services.", ILO, 1993.

The report found that this discriminatory situation was compounded by expansion of settlements and growth of the Israeli population in the OPT. It adds that specific status accorded to Jewish settlers ensured that in case of a dispute with a non-Jewish inhabitant of the OPT, they came under Israeli legislation and jurisdiction (Ibid).

Implications of Jewish colonisation of Palestinian land are thoroughly described by Coon in a chapter devoted to the subject of Jewish settlements and land seizure (Coon, Chapt 6, 1992). Coon investigates what he calls:

"the unreal world of planning in the West Bank, where a way has been found of planning and providing for two different sets of population by superimposing two distinct sets of plans on one territory" (Ibid, p.156).

Map (3)

**Changing Strategies for Building Jewish Settlements
in the West Bank**

Source: Coon, 1992

The Israeli practices, under international law, regarding the seizure of land and population transfer are illegal as can be found in both the Fourth Geneva Convention of 1949 and the Hague Convention of 1907 ¹⁴.

Israel was repeatedly called upon by various UN bodies and Security Council Resolutions, as the occupying power, to abide by these laws (various UN resolutions 1967-1993). Criticism for such practices came from other international organisations such as European Parliament, international Human Rights Organisations such as Amnesty International, Israeli Human Rights Organisations such as B'Tselem and others.

The legality of these practices is also challenged by Coon who draws attention to the fact that the transfer of over 185,000 Jews to the occupied West Bank was a result of a sustained Israeli government policy to relocate part of its civilian population to the territories it occupies (Coon, 1992, p. 167).

After reviewing the way the planning system works in the West Bank and the needs of the Palestinian population and the extent to which they had been met, Coon turns to consider the growth of Jewish settlements, which he sees as the most obvious characteristic of development in the West Bank under Israeli administration, (Coon, 1992, p.167-204). In his opinion this constituted the greatest physical change there after the Israeli military took control of the West Bank in 1967. His focus of concern here is the implication of Jewish settlements for the Palestinians, and the position of the International Law from these settlements.

¹⁴ - Article 49(6) of the Fourth Geneva Convention, 1949 states that; "The occupying power shall not deport or transfer of its own civilian population into the territory it occupies."

- Article 52 of the Hague Convention, 1907 states that; "Requisition shall not be demanded... except for the needs of the army of occupation."

Coon analyses the objectives of settlement policy in terms of the justification given by various Israeli sources. The colonisation, he argues, was justified either as a way of solving the shortage of water and land and increase in its population, or as "liberating land from Arab occupation", or to ensure "secure borders", or as stated in the World Zionist Organization plan, 1980;

"to defeat any peace initiative and reduce the danger of establishing an additional Arab state." (Coon, 1992 p.174).

The authorities dilemma as to whether to concentrate the settlements in particular locations or to disperse them over a wide area was overcome by the last plan which attempted to achieve both. It was based on three main principles: (a) inter-connection between existing Jewish areas to create continuity, (b) fragmentation of existing Arab settlements, and (c) concentration on powerful new Jewish settlements ¹⁵.

Coon explains that the establishment of the colonies was accompanied by building of roads to serve them. He adds that, additionally, the authorities established separate public transport and telecommunication system, separate taxation, education, and licensing systems from those imposed in the West Bank (Ibid).

While the Palestinian equivalent to regional councils under Jordanian rule was abolished by the Israeli authorities, they divided the West Bank into seven Jewish "Regional Councils". Nine of the settlements were given the status of municipal councils with identical powers to those in Israel ¹⁶. Initially Jewish councils authorities were confined to

¹⁵ Master Plan and Development Plan for Settlement in Samaria and Judea, in Hebrew) section 2.1.3. World Zionist Organisation and Ministry of Agriculture, Jerusalem, 1983. Quoted in Coon note 66, p. 175, 1992.

¹⁶ Moshe Drori, "The Israeli Settlements in Judea and Samaria: legal Aspects, quoted by Benvenisti, 1984.

the built-up areas of the settlements. However, M.O. 848, 1981 extended their authority to cover areas confiscated from Palestinian owners for military purposes or declared state lands.

The implication of such change as Coon explains, is that it transferred the authority over a parcel of land from one planning system, such as the Jordanian system, to an Israeli planning system once the land was seized. Since the new system operated under Israeli law, any plot seized anywhere in the West Bank could be integrated in the appropriate Jewish regional council. Consequently, as soon as the new planning authority took over, the occupied population lost any rights of access to this land or to its development (Ibid, p. 183).

Coon presents a concise analysis of the development process of Jewish settlements:

"the role of the Israeli government has not merely been to *allow* settlements to take place: the Israeli government has long standing policies of colonisation. Land has been methodically seized; complex- almost ~~in~~ strategies have been prepared to move population to take control of land as it is seized; legal; administrative and- most vitally- financial arrangements have been coordinated at the highest level."(Ibid, p.184).

Coon describes in detail the amendments that Israelis had to make to the original British mandate plans, they were so eager to revive, to allow for the construction of settlements and associated structures and roads. He reviews the procedures used for the preparation and approval of settlements' plans and argues that although theoretically the Palestinians were invited to inspect the plans and to object if they wished. The fact that these plans were only available at the Civilian Administration and the Jewish local council, where no Palestinian had access, made a mockery of the procedure.

Additionally, proof of ownership of the land was required before any objection was considered. Since settlements were established on land confiscated from Palestinian owners, no

objection by palestinians could be considered. However, the issue of Jewish colonies established on confiscated Palestinian land went beyond the political and legal arguments. According to Coon, it is the direct and indirect implications of these policies and practices for Palestinian development that needs to be considered.

He demonstrates that the establishment of these colonies had had an adverse effect on the life of Palestinians and the prospects for the development of their land. There was a physical direct impact of loss of land as 95% of the land used for the building of settlements was privately owned. He estimates that 25% of Palestinians have had all or part of their land confiscated, while tens of thousands lost their livelihood as they lost their agricultural land and their ability to farm it and earn their living, (ibid).

Another impact, Coon considers, is the practices of Israeli settlers against the local Palestinians, namely violence. The violence went usually without punishment and records of local, Israeli and international human rights organisations show the seriousness and extent of this problem (i.g. Al Haq & B'Tselem).

According to Coon and other observers, the building of these colonies had contributed to pollution and environmental damage (Coon, 1992). This was demonstrated in the cases where untreated sewage was allowed to flow into Arab land and water resources (Ibid, p.204). Other practices, cited in other reports, such as poisoning water resources, burning of forests, uprooting of hundreds of thousands of trees also caused serious damage to the Palestinian environment (UNEP, 1992, B'Tselem, 1990-1991).

Coon concludes that the reason why the Israelis had denied the Palestinians the opportunity to plan and develop their towns and villages was to allow for the full implementation of their colonisation policy, thus ;

"the Israelis have used all the powers at their disposal of an army of occupation to ensure that their policies for the

judaisation of the West Bank are not constrained by the obligation to provide for an effective town planning administration for the benefit of the Palestinians."(Ibid).

Planning and Permit Procedures:

While municipal councils could grant permits, and were to act as local planning councils, their licensing authority was in fact limited by M.O. 418. As mentioned earlier this order gave the Higher Planning Council the power to suspend any of the plans or license they grant.

In a well detailed section about Building Permits and Demolition, Abdulhadi explains the procedure for obtaining building permits which were required for any type of construction. These, he considers, were the primary instrument for controlling Arab growth. The process of obtaining building permits under Israeli rule as he demonstrates was complicated and frustrating (Abdul Hadi, 1990).

Abdul Hadi found that the main obstacle was normally the requirement that the applicant should prove his ownership of land on which the building was planned. A significant portion of land was registered under collective village, tribe, or family ownership as a means of avoiding tax during Ottoman and British rule. Consequently, this condition deprived a number of people of the right to a building permit.

One other obstacle was the "absentee's" ownership, or sharing the property with an absentee. This was particularly significant as a number of the so-called absentees, included those who were either expelled, deported, or were not allowed to return during and after the hostilities in 1967. This allowed the authorities to act as the Custodians of the Absentee Property, and consequently to take over or claim a share in the property. No building permit was issued without a detailed plan approved by the HPC. This constituted a change from the original procedure that required plans to be approved by the district planning committees (composed of local

citizens and abolished under MO 418). Such requirement only complicated matters since Palestinians had virtually no access to the HPC, consequently applications faced postponement, rescheduling and delays (Diagram 3, Chapter VI below).

Under a section entitled "Control of Development", Coon further detailed the procedures for obtaining permits inside and outside municipalities (Coon, 1992, p. 121-139). In his assessment of the development plan prepared by the Israeli authority, Coon argues that it failed to provide a strategy for desired development and change, it also denied developers the opportunity and guidance. He points out that since the Israeli military authorities unearthed Regional plans almost half a century old (British Mandate plans 1942), they set to interpret them selectively to justify preventing Palestinian development (Ibid).

The Central Planning Department which had, under Israeli administration, assumed very wide powers was inadequately staffed. It was also secretive, inaccessible and unresponsive and therefore he considered it to be unfit to prepare for the Palestinian needs (Ibid).

The book provides an analytical description of the methods of controlling development and the policies and procedures of subdivision of land inside and outside the municipality boundaries. This included the procedure of obtaining building permits, the number of permits issued compared to the number of applications, and the demolition of buildings without permits and appeals against them.

Coon concludes that the Israeli authorities did not follow the rules of the International Law in its administration of the West Bank and summarizes his reasons in three categories: institutions, plans, and controls .

Although the legality of Israeli actions may not be the prime concern of this research but the fact that, the Israeli authorities had the "legal" tools to use and

justify their policies, points out to the danger which faced the Palestinian residents and the development of their towns.

The revisions made to building and planning permission procedures, the authorities involved their powers and policies are described by Bader in his 1990 report. The most serious of the revisions, he found, were those related to land ownership, confiscation of land, owners notification and right of appeal and compensation laws (Bader, 1990).

In his review of the Israeli Master Plan for Middle of the West Bank, he states that, not only did it contradict with the Jordanian Law of 1966, but more significantly it was based on expropriation of Arab land for the building of Israeli settlements. He points out that it restricted the expansion of Palestinian cities and towns, and divided the land by wide roads linking settlements and encircling Arab towns.

Bader refers again to Military Order No.418 which took away the right of the councils and municipalities to be involved in the planning process and consulted before any plans are prepared. He concludes that the Master Plan was prepared by Israeli authorities who excluded Palestinians from the planning process. The Plan also gave powers to the Israeli settlement councils over the use of land and to issue planning and building permits (Military Order 892).

He argues that the consequences of the restriction on the natural urban growth of towns and villages while ignoring the urgent need for development and expansion, as expressed by local councils and municipalities, resulted in:

1. Increase in rent for housing, offices space, and shops.
2. Traffic congestion in cities due to inadequate road capacity and lack of parking space.
3. Rural migration to towns and cities.
4. City residents forced to leave the West Bank .

5. Increase in the number of buildings built without permits.
6. Lack of industrial areas.
7. Lack of public services in new residential areas.

Bader points out that the Master plan changed the nature of land use significantly, ignoring ownership rights, and tightening the grip on the definition of land ownership and registration contrary to original Jordanian land laws. Consequently this restricted the amount of land available for development and increased the likelihood of refusal of applications for development and building permits.

In his review of the proposed Israeli project for roads in the West Bank, he describes the policy for building major roads. This he notes, was aimed at providing access to settlements and linking them while containing the Palestinian towns. He describes the revision of original Jordanian laws for road type and size in relation to urban and rural areas (Military Order 810) and the effect this had on areas where land had to be confiscated to accommodate the Israeli plans.

Bader lists the Military orders issued after 1967 which restricted construction and building Works by Palestinians while it authorized the building of Israeli settlements in the West Bank. He refers to areas of land declared closed (restricted) zones in various cities and towns (i.e. M. O. No.578, and 590 declaring certain areas in Nablus closed). He also refers to orders which gave authorities for Israeli settlement councils to develop the land, build and grant building permissions for their residents.

SECTION 2: Development Constraints

The planning and regulatory structure and policies that were formulated in the West Bank particularly regarding the use of land since the occupation, were considered to be major factors which restricted development. However, there were other factors that had also contributed to this restriction, two of the most significant of these, were

considered to be the fiscal policies of the occupation authorities and the condition of the infrastructure.

2.1 Fiscal Policies :

As with planning administrative structures, procedures and policies, all issues related to regulating and controlling the economic activities in the OPT were placed under the authority of the military government since the occupation. A number of military orders and decrees were also issued introducing new regulations and amending the Jordanian laws that were in force on the eve of the occupation.

The implication of the policies imposed by the occupation authorities on Palestinian economy are examined by economists and specialists in great detail in a number of international such as UNCTAD and the ILO, and local reports and studies, such as JMCC, Samed Economist and individual professionals. However, for the purpose of this study, only the issues which had an impact on the development of towns and villages in the West Bank, relevant to the research topic will be considered.

In the introduction of *"The Palestinian Economy"* 1988, the editor of the book George Abed argues that although achievements of the developing countries remain limited in terms of development, their progress remain unencumbered by one crucial constraint. The typical developing country is not occupied by a force that is bent on dispossessing the indigenous population. In such countries he adds, projects for development are commonly promoted, often subsidized and generally nurtured to maturity, they are not obstructed and deliberately starved of funds. Resources, above all land and water, are protected and developed, at least nominally, for the benefit of the community, they are not expropriated and denied. The productive sector is supported by publicly funded infrastructure, subsidized credit, and protected market. All the above was denied in the occupied territories (Abed et Al, 1988).

New regulations, during the occupation, imposed severe restrictions on vital economic functions and facilities. According to UNCTAD, the main objective of these measures indicates Israel's basic policy of ensuring that Palestinian economic activity did not conflict with or harm the Israeli economy, (UNCTAD, TD/B/1221 1989). It includes a quote of the Israeli minister of defence statement regarding using economic pressure to quell the Palestinian intifada (uprising).

The Report, which follows a number of UNCTAD and UN previous reports on the state of the economy in the occupied territories, reviews the measures and procedures used by the Israeli authorities to control and restrict the Palestinian economic activities. It also looks at the policy development with regard to the Palestinian economic relations with other Arab countries and markets, under the Israeli administration, and their effect on the Palestinian vulnerable economy. It records a continuous decline in the economic performance especially during the intifada.

The report found that the most significant of such fiscal policies are:

1. Lack of financial institutions and the closure of Arab banks after 1967.
2. Lack of credit facilities
3. Failure to encourage investment in the industry and other vital facilities, such as infrastructure.
4. Imposing exorbitant taxes on individuals and businesses.
5. Restrictions on external funding and investment.

Another study prepared by UNCTAD (UNCTAD/ST/SEU/3, 1987) examines the consequence of the closure of Arab banks in the occupied territories. The study found that the residents of the territories had lost the system that managed monetary activities through regulating the money supply, directing credit and supervising operations of banking and other financial institutions. This, the study found, had a negative effect on; production, employment,

income and investment. The authors of the study found difficulty in obtaining information with regard to monetary statistics to allow them a thorough evaluation of the system that had emerged under the occupation.

The lack of bank services and other specialized financial institutions forced businesses operating in the occupied territories, to rely on their meagre savings and even to accept the prohibitive practices of the informal financial market.

The study also found the role of insurance companies to be equally negligible. The only area where an interventionist government budgetary policy was pursued according to the study was in taxation. The taxing system that existed on the eve of the occupation had been changed significantly through the issue of numerous military orders and proclamations. According to UNCTAD, the new imposed changes were not intended towards stimulating the economic activities in the occupied territories, but rather to increase the government revenues and align the tax system of the territories to Israeli economic interest, (ibid).

The study argues that the reduction in the threshold of taxable income and the increase in the tax rate in the territories, had had an adverse effect on the residents incentive to work, save and invest. The study shows that the taxing policies of the Israel administration put the Palestinian residents at a disadvantage compared to the more liberal attitude reflected in Jordan and Israel.

The study points out that changes to income tax law, such as the abolition of administrative procedures, subsequent coercive measures in tax collection, and the arbitrary way of treating tax appeals, eroded the public confidence in the objectivity of the tax system. In addition to the absence of any helpful tax guide or manual, the authority did not attempt to consult or involve local authorities, chambers of commerce, the tax payers' professional associations and experts in their policy decisions. This

approach further increased the climate of mistrust and disagreement between the tax payers and the authorities.

A study by Peter Sadler entitled "Investment Opportunities in the occupied Territories and Possibilities of Future Development" attempts to examine factors which affected the structure and performance of the industrial sector in the West Bank. It found that some of the main obstacles to development were:

- Lack of loans and investment which contributed to the stagnation of the Palestinian economy.
- Confiscation of Palestinian land for defense and military reasons and for the establishment of Israeli settlements on Arab land. This the study found, had a psychological effect on land owners and investors and resulted in uncertainty and discouraged them from using their land for development.
- Lengthy and expensive permission procedures which discouraged applications for development projects. According to Sadler, any new development required up to 20 applications, rejection of any lead to complete rejection and requires reapplying (Sadler, 1990).

The "Israeli Policy towards Economic development in the West Bank and Gaza Strip" is reviewed by Shadid in an essay in Abed's Palestinian Economy, (Chapter 6, pp 121-137, 1988). Shadid summarizes the basis for the Israeli policies in the OPT by quoting the Israeli Ministry of Defence Summary Report on (Development and the Economic Situation in the Administered areas- 1967-69):

"The areas are a supplementary market for Israeli goods and services on the one hand and a source of factors of production, especially unskilled labour, for the Israeli economy on the other."

Shadid describes the conflict between the military authority and a number of US private voluntary organizations (PVO) over approval and implementation of development projects. He then analyzes how US PVO's development projects were divided and then submitted to the Israeli authorities for approval. He describes how the

Israeli authorities interfered to shift the allocation of projects and budgets. The Israeli authorities, he states, tended to disapprove of development projects and encouraged public works. Shadid notes that despite the small size of the economic development programmes sponsored by the US PVOs, the authorities insisted on full control of these projects and where and if they should be carried.

Residents of the occupied territories found that their chances of obtaining permits for development projects were even more difficult than those experienced by the PVOs. Giving reasons for rejecting a paint factory project in Nablus in 1985, the Israeli official said:

"Why should we permit the building of a factory in Nablus while Israeli paint factories are operating below full capacity?" ¹⁷

Shadid concludes that Israel, like other colonial powers, profited enormously from the territories it occupied and turned them into markets for Israeli manufactured goods. The authorities, he states, seized land and extracted raw materials, labour and taxes from the Palestinians, (Abed et Al, 1988).

An ILO report reviewing "The Israeli colonization policy and its repercussions", found that the occupation authorities aimed to incorporate the economy of the occupied territories in the Israeli economy in order to turn these territories into a market for their own goods (ILO, 1985). Other factors restricting development, the report found, were:

"exorbitant taxes, lack of investment in infrastructure, the failure to encourage capital investment in industry and other production sectors, the total lack of credit facilities, the closing down of Arab banks and the application of arbitrary restrictions."

¹⁷ Interview with Zafer Masri, Chairman, Chamber of Commerce, Nablus, 19 August, 1985, quoted by Shadid, p.133.

As far as investment was concerned, the report argues; that the problem was not the lack of resources, since the Israeli authorities collected taxes from the occupied territories, including value added tax. It also levied income tax on wages from Palestinian workers employed in Israel. The ILO report adds that the government invested heavily in building army barracks and roads which were of military importance.

The report found that the problem lied in the Israeli authorities declared intentions not to create conditions suitable for economic development which were geared to the needs of the residents of the occupied territories. The imposed taxes on goods and businesses in the West Bank resulted in the closure of many Palestinian enterprises as they were unable to pay them (Ibid, Appendix III page 43-53, 1985).

The ILO report found that Israel pursued a policy to gear the economy of these territories to the needs of the Israeli economy with regard to consumption, industry, and exports. This was demonstrated as the report found, in forbidding the setting up of sophisticated industries, imposing a form of specialization on industries, and limiting them to complementary industries which specifically met the need of the Israeli market.

The Israeli authorities, according to the ILO report, also prevented the establishment of industries likely to create job opportunities for the growing number of graduates such as engineers, doctors, accountants, and other skilled personnel, who were increasingly swelling the ranks of the unemployed (Ibid).

The report points out that the dumping of Israeli goods on markets of the West Bank and Gaza Strip resulted in unfair competition for products from these regions which did not enjoy the support that Israeli products had. The study explains that the authorities also obliged owners of factories, workshops and industrial plants to import raw

materials through Israeli enterprises. This, consequently, raised production costs and forced some of them out of the market.

According to the ILO report, before granting the necessary permits to any new industry, the Israeli authorities made thorough checks to ensure that it was in line with the economic objectives of the Israeli economy. The report found that the Israeli colonization, the confiscation of land and water resources and the lack of any development policy in the occupied territories made it impossible for the economy in these areas to create new jobs or even maintain existing jobs. The problem of unemployment was constantly swelling, especially amongst university graduates (Ibid)

Another study about "*Palestinian External Trade under Israeli Occupation*" prepared by the *Secretariat of UNCTAD, 1989 (UNCTAD/RDP/SEU/1)* investigates various aspects of Palestinian external trade. It examines problems encountered during the occupation and analyses the role of trade in the Palestinian economy and the factors that had contributed to the gradual deterioration of Palestinian trade. The study is based on data from official sources, published and unpublished reports, studies and other references, as well as from field information, covering developments until the end of 1988.

Under a section entitled "Occupation and the Emergence of a Fragmented Economy", the study found that potentials for sustained development of the Palestinian economy was constrained by a process of transformation. This process was unaccompanied by requisite policies and measures to absorb and regulate the pressures of readjustment.

UNCTAD found that the economy performed through arbitrary impulses often alien to its own interest. This state of affairs was aggravated by restrictive Israeli policies vis-a-vis Palestinian economic activities. Though transformations predate 1967, the path of change was

qualitatively and quantitatively different since (A/1 item 2) .

The study points out that the mechanism whereby the local economy might be better planned, regulated and supported had been eroded over the years of occupation. While power over economic management had been assumed by the Israeli occupation authorities, the latter had not assumed concomitant responsibilities, (ibid).

NCTAD points out that the exclusion of the Palestinian people from authority and responsibility over their own economy covered a wide range of functions: *Industrial and commercial licensing and regulation; agricultural production planning; Trade regimes and procedures (tariffs, levies, import and export licensing etc.)*. *Industrial, agricultural, trade and other credit facilities, in both the private and government sectors; agricultural, industrial and residential land use and construction; the development and provision of public utilities and infrastructures and the establishment of appropriate public services*. (Ibid).

The study shows that, increasing concentration of such activities within the jurisdiction of the Israeli military authorities continued to inhibit economic performance and potentials in the OPT (A/1 item 4).

The Role of Tax is then reviewed and the study establishes that the role of such system in providing entrepreneurial incentives remained nil. According to UNCTAD there were no indications, at the time, that the authorities envisaged undertaking necessary reforms.

There was a sharp fall in tax revenue, during the Intifada, caused by drop in Palestinian income, widespread "tax boycott" and resignation of Palestinian tax collectors. This was countered by Israeli policies to enforce revenue collection through a range of coercive measures. This

situation highlighted the centrality of fiscal issues in the territory (Ibid)

The limited services of the Israeli Civil Administration were further reduced in order to make up for the alleged heavy losses in tax revenue. This was notwithstanding, according to this study, renewed indications that revenues collected by the Israeli authorities from the occupied territory continued to out-pace expenditures (Ibid, A/4d-Finance item 43).

The main constraint, the study points out, is that the Israeli authorities ruled through periodic military orders and decrees which affected every aspect of Palestinian economic activity: *Taxation, customs, banking, money and insurance, agriculture, industry and crafts, commerce, land and water, labour and other areas of endeavour*. Whereas some of these amended and updated Jordanian or Egyptian laws in force up to 1967, most represented new regulations reflecting Israeli policy concerns. UNCTAD argues that these measures were clearly also having a direct effect on the development of the built environment. The policies and measures applied by the Israeli authority could be seen to be based upon certain basic considerations;

1. maintaining minimum order in the local economy with no commitment to advancing the economic interests of the territory;
2. ensuring that this regulation of economic activity corresponds to the relevant patterns of relevant policy and legislation in Israel; and
3. ensuring that Palestinian economic activity did not conflict with, or harm Israeli economic interests.

The study shows that this major determinant of Palestinian economic activity worked through a strategy dictated by the overall national interest of Israel, leaving the occupied territory with little, if any, recourse to measures or facilities which might redress the imbalance and protect vital sectors (2/ item 61).

The study found that Palestinian manufacturers exports to Arab markets, after 1967, of certain well-established products continued; such as soap, processed olive oil, quarry stone, dairy products. At the same time some new items were introduced into the export mix (especially plastics and handicrafts). The Israeli market absorbed some manufactured exports, which allowed for the growth of Palestinian exports in certain branches. Some consumer goods produced or finished in the occupied territory have made inroads among Israeli consumers, over and above the domestic market such as ready-made clothing, wood, stone, and metal products for construction, and certain food products, (2/ item 57).

The report concludes that the lack of an indigenous financial system continued to deprive the Palestinian economy of the means necessary to achieve growth and development. Only minor credit facilities were available at a high cost, coupled with deficiencies in the banking system. Recent Israeli restrictions on entry of funds to the territory as the Report points out deprived the trade sector of a major source of funding (F/406). In the fiscal area, not only did the territory forgo annually sizable amount of custom revenues on imports from Israel but the imports embodied inherent subsidies to Israeli producers. Moreover, the territories' import of raw materials through Israel was subject to Israeli tariffs rather than the custom duties prevailing in the OPT, thus rendering its produce less competitive despite lower labour costs. These measures were also reflected on peoples ability and willingness to improve or develop their properties.

The study found that the elimination of these anomalies in the fiscal system of the occupied territory was an urgent requirement. The wide range of measures introduced by the occupation authorities in the Palestinian monetary and fiscal system of the territory after 1967 were, according to UNCTAD, in urgent need of being re-examined in the wake of the rapidly deteriorating economic situation. The report emphasizes the need for a more imaginative approach to the

monetary and fiscal aspects of the economic policy in view of the severe shortages of financial resources at all levels in the territories and inadequacy of financial institutions, in order to revive the economy and trade (Ibid, F/408).

2.2 deterioration of the infrastructure :

In the absence of a national authority in the West Bank, the municipalities should have been the most important local institutions. As discussed earlier (Section 1 above), the constraints prohibited them from being instrumental in creating employment, and undertaking capital projects, and providing essential services.

Prior to 1967, the municipalities played an important role with help from the national government. They had a share in the revenues and had access to government funds and easy term loans. They also acted independently with regard to various social services. All these arrangements were abolished after the occupation and municipalities could not proceed with new projects including; water, electricity, roads, school building, without the approval of the military authority (UNCTAD, 1987). As the municipalities had no longer the legislative powers they had before the occupation, they were also not allowed to introduce new taxes and fees to change their prevailing rates or their collection procedures without the prior approval of the military authority.

The infrastructure and public utilities in the West Bank had deteriorated steadily after 1967. There had virtually been no upgrading, maintenance, or expansion in these services during the occupation in spite of the increase in demand and pressure for development. This resulted from absence any government support, lack of effective local authority, and investment.

In Part 1 of a draft report entitled "Public Utilities in the West Bank and Gaza Strip", prepared by Abu Eisheh for

UNCTAD ¹⁸, Abu Eishah examines the condition of public utilities in the OPT to identify the main problems, (Abu Eishah, 1993). In the first volume of this study, he examines the development of public utilities in the West Bank and Gaza Strip and their condition. These include: water, electricity, sewage, refuse, and public safety. The accuracy of the data presented is qualified at the beginning of the report as a result of the difficulty he faced in collecting it.

Abu Eishah also points out that; the data collection for his research was difficult due to lack of reliable information, inaccurate data, and shortage of documentation in many of the sub-sectors, that were to be examined. Reluctance to give information and lack of co-operation from officials appointed by the Israelis, added to the difficulties. Consequently he states that part of the coverage presented is not systematic or consistent.

In Chapter 1, he describes the development of the public utilities prior to 1967, in general terms and then in detail for each district. An account of public utilities, resources, capacities availability and management before the occupation in the West Bank and the Gaza Strip is described and then followed by details for each district (water, electricity, sewerage, refuse, slaughterhouses, public markets and public safety).

In Chapter 2, the structure, and performance of the public utilities in WB & GS after 1967 are presented. The report describes the existing public utility services in the urban areas in terms of scope, structure, performance, capital formation, cost and pricing and management. Abu Eishah covers utilities provided in the whole area and details for each regional administrative division (districts). Chapter 3 of the report provides an assessment of adequacy and efficiency of existing public utilities in the OPT, based

¹⁸ Until July 1994, the report was still not published according to its author.

on the findings of chapter 2, which are analyzed in terms of:

- Supply and demand for urban and rural areas.
- Investment and capital formation.
- Contribution to the economy.
- Cost ,finance and pricing policies.
- Manpower and technological factors.

The first part of this chapter discusses the *Supply and Demand Consideration*. Abu Eishah states that inefficiency and inadequacy of the existing water utilities were mainly due to poor planning, limited exploitation of water resources, limited extent of services in rural areas, high losses and leakage, lack of water tanks, and the deteriorating quality of water. Above all was lack of an established central national institution which could develop a comprehensive plan for adequate and efficient water supply.

Palestinians controlled only 55.3% of the sources of water in urban areas and 46.7% in rural areas. The rest was administered by Israeli authorities either directly through Mekorot or indirectly through the West Bank Water Department. Rates of leakage and unaccounted for water were high; which was due to the age of existing water distribution system, the faulty meters, and malpractice of some consumers, (Ibid). The OPT, he adds, suffered from bad quality of water due to lack of treatment and quality controls.

Abu Eishah explains that supply of electric power in the OPT consisted of locally generated power, and purchased power from the IEC. Local Palestinian efforts to resist this linkage failed following pressure of growth and Israeli refusal to allow them to expand and import new generators. The share of generated power to total supply declined since the linkage. In the WB, share of purchased electricity from the IEC was close to 95% out of the total supply. Nablus, however, was the only town which still had an operational power station, albeit with reduced capacity.

Abu Eishah provides an analysis of the evolution of overall consumption rates of electricity. In Israel, he argues, the total consumption of electricity per capita was ten times as much, while in Jordan the total consumption was almost three times as much as that of Palestinians in the occupied territories. The study states that;

"The indicated low consumption rates are mainly because about 50% of the rural population has no regular electric supply or no supply at all at present. In addition, the non-household sectors, especially the developing industry and service sectors, do not consume high rates of electricity. The share of the household consumption to the total population reaches currently 50 % in some places in the occupied Palestinian territory, while the respective share in Israel reaches only 29.1 %."

In general, most towns and villages suffered from sudden disconnection of electric power which lasted for many hours, shortage of transformers, and overloaded electricity lines. The rate of increase in demand which was reflected in the apparent increase in consumption rates, indicated that if more electricity had been supplied, the demand and consumption rate would have been even higher. However, the study points out that most of the electric supply was not national supply and was dependent on the Israeli Electrical Corporation (IEC).

Sewerage services is another utility which the report found deficient in the occupied territories. Existing supply of sewer collection systems was not capable of fulfilling the increasing demand. There were no comprehensive treatment systems in most towns although facilities for partial treatment existed in some. Management of waste water disposal system was limited and most of the time it was left to run freely in valleys outside urban centres causing environmental damage. Abu Eishah found very little data to assist him in the analysis of the evolution and development of this utility and to enable him to compare supply/demand characteristics with those of neighbouring countries.

The refuse collection and disposal is another problem area in public utilities in the WB, the study found little or no

development in this sector, and no apparent plans for the development of garbage disposal or re-use in the occupied territories. The existing municipal collection services in urban centres suffered from shortages in containers, collection equipment and vehicles and size reduction facilities. The collection process was not organised on daily basis, and garbage was thrown in open spaces causing health hazards.

The only solid waste treatment was by the incineration process where there was great need for control and environmental protection (Ibid). In the second part of this chapter the author is concerned with the *Investment and Capital Formation* in the occupied Palestinian territories.

The report states that, the Israeli authorities were in control of all policies and decisions related to development of services and infrastructure. This was evident by the fact that any new development or improvement for an existing project needed the approval of the Israeli authorities. In most cases applications for such projects were rejected or obstructed such as Jerusalem District Electricity Company and Nablus municipal electricity project. As a result of this, expenditure on public utilities remained low in the occupied territories.

The report describes the role of the PVO (Private Voluntary Organizations), in assisting the OPT in the development of their public utilities by granting aid for projects such as water, electricity and waste water mainly in rural areas. The financial analysis for various public utilities are presented and supported by data and figures for each town. In Chapter 4, under *Short Term Measures and Actions*, the major problems for each of the utilities under consideration are identified, counteracting short term measures are suggested.

Conclusion:

In all the above reports and studies the authors seem to be in agreement about the extent and implications of the

change of planning policies and structure and the regulatory procedures imposed by the Israeli Occupation authority in the West Bank during the occupation.

The authors describe with varying emphasis the consequences of these policies on the development of towns and cities in the West Bank. They examine the effect of the restriction of expansion on the existing environment and services, the resultant in-effectiveness of local councils and municipalities. In addition, the inability of Palestinians to appeal against Israeli decisions regarding land and development and the adverse effect it has on the quality of urban life.

However, the effects and consequence of the Israeli administration of the OPT after 1967 are concluded after a theoretical analysis of the prevailing planning, legal and fiscal policies and restrictions imposed on development. Very limited research was available that examined the effect of these policies on various elements of the built environment in Palestinian cities and the ability of local authorities and institutions and the private sector to carry out development, improve conditions of their towns and halt their deterioration. Furthermore no attempt was made to examine the effect of these policies on the Palestinians' perception of the problems they experienced in their towns and what they consider to be main obstacles to their development.

The observations, analysis and conclusions seem to be similar in all studies carried out in this field. With the absence of reliable demographic data and statistics, most of the studies depend on qualitative data and evidence. From the above, the situation that prevailed in the West Bank can be summarized as follows:

(A) The Role of Central and Local Government:

1. All civil authorities and laws were replaced by the Israeli authorities and military orders.
2. All powers for planning, decision making, and

implementation were vested in the Israeli military or civilian authorities.

3. There was no local representation at any level in the planning, decision making and implementation machinery.
4. There was no public participation in any planning process. The Palestinian population also had no right of appeal, or any effective legal channels for protest or objection.
5. This extreme case of centralization was aggravated by the fact that the central government was not the national government but an occupation military force, whose interests were in direct conflict with those of the Palestinians.
6. During the occupation, councils' powers were reduced, many were dismissed and replaced by Israeli appointed councils or Israeli councils. Following the Intifada councils, including Nablus, were forced to resign as the Israeli restrictions and policies limited their ability to function and develop.

(B) Zoning and Land Use Restrictions: The occupation authority used various methods to restrict local residents' ability to develop their land including devising "legal" means for confiscation of land and changing the nature of its use by declaring it either military zones, or security protected zones. Expropriated land was often used for establishing Jewish settlements.

(C) Land Ownership : The Israeli authorities also used lack of proof of land ownership as an excuse to obstruct development or to confiscate land. Most of the land had been either registered under a family or tribe name or had not been registered since the Ottoman rule. This situation is fairly common in this area, but the Israeli authorities did not recognize ownership without registration. Another obstacle was the fact that a number of partners of a property or land did not have an Israeli residency permit although they are original West Bank residents. This enabled the authority to declare their property or shares

as absentees' land or property. Consequently a number of residents were discouraged from developing their property for fear of Israeli measures.

(D) Building Permit Procedures: These were lengthy and expensive procedures. Application for permit for public, or industrial development within the municipality had to be approved by the Israeli military. Residents and local councils were discouraged from applying as a result of complicated procedures and frequency of rejection. Most of the permits obtained within the municipalities were for private residences and small commercial projects.

(E) Fiscal Policies : Lack of financial institutions and closure of Arab banks denied residents access to financial assistance and investment guidance and restricted the ability of local population to invest or borrow to carry out new development. High taxes, severe import and export restrictions also discouraged local population from investment.

(F) Service Provision: Public utilities, services and infrastructure were old and overloaded. The local councils had no funds for their maintenance or upgrading. The occupation authorities showed no interest in assisting local councils financially or technically. Furthermore it imposed restrictions on import of spare parts and new machinery. Consequently the city suffered from congested roads, lack of parking facilities and proper public transport, frequent power cuts and water shortages.

Research Proposition:

The arguments, analysis and conclusions of the above studies and report, set the political and administrative context related to issues relevant to urban development in Palestine and subsequently formed the base of the research proposition.

The political, planning and fiscal policies that prevailed during the occupation, as demonstrated above, did not seem

to have provided the right atmosphere for urban development in Palestinian towns and the improvement of the physical condition of their built environment. There also appears to be a gap in the available literature with regard to the problems and reasons for the deterioration in the built environment, the effect of various Israeli policies and practices on Palestinian urban development. Additionally, no information was available on Palestinians perception of these issues and what they consider to be obstacles to development and to their ability to improve their towns and, subsequently, their living conditions.

The research is therefore set to investigate the nature and extent of problems with the physical condition of the built environment in Palestinian towns. It also aims to examine if there is a causal link between the Israeli administration policies between 1967-1994 and the deteriorating conditions in these towns during that period, with focus on the historic city of Nablus.

CHAPTER III
METHODOLOGY

Introduction:

The search for documentary evidence and archive records started at the very early stages of the research. It involved three visits to the occupied territories; an exploratory visit for five weeks in December 1991; a pilot survey for two months between July-August 1992 and a three months field visit between May and August 1993. The visits were carried out via Amman, Jordan where one or two weeks were spent, during the pilot and the field visits, collecting data from Jordanian sources and interviewing Jordanian officials.

The exploratory visit to obtain data and information from Nablus and other Palestinian cities resulted in collecting some basic information that could not be relied on completely. Most reports that have been prepared were qualified for inaccurate data and inability to carry out surveys. This resulted from the absence of previous qualitative and quantitative research in this field, the lack of cooperation between the researchers and the occupation authority, and the difficult security and sensitive political conditions.

The first visit signalled the difficulty in having access to Israeli data with regard to the official planning for Palestinian towns and the potential lack of cooperation from Israeli officials in the research process. Some official Palestinian sources were also reluctant to give information for fear of Israeli punishment.

Over the two and half years of data collection, the process for obtaining data through; interviews, questionnaires, building inspection and observation of activities and events proved to be difficult, frustrating, unpredictable and sometimes physically dangerous. The author witnessed and was subject to, conditions of military clashes between the Israeli army and the civilian population, army harassment of respondents and passers by, sudden curfews imposed by the Israeli authorities, strikes called by the Intifada's (uprising) leadership and tax raids on shops and

businesses (sometimes interrupting interviews). Although these incidents delayed and created obstacles to the data collection process, they did, nevertheless, result in a certain degree of participant observation of the problems and difficulties that the population under investigation suffered from.

In spite of the shortage of secondary sources, some basic data was obtained from UN studies and reports such as those undertaken by FAO, ILO, UNCTAD, UNDP, and UNEP (see Chapter II & VI). Reports and studies were obtained from those prepared by independent Palestinian research centres, such as the Arab Studies Centre, PASSIA, CEP and others. Most planners and engineers at Nablus municipality were helpful in providing copies of available documents including reports and drawings. Information was also obtained during interviews. However, some people were reluctant to help and refused to be interviewed.

Officials in the Chamber of Commerce in Nablus, academics at Al Najah National University, Bir Zeit University, independent private architects and engineers and members of the Palestinian technical committees in the Peace negotiating team were helpful with information and data and gave useful advice.

Scope of the Survey:-

The research aims at investigating the condition of the built environment and prospects for urban development of Palestinian towns during the Israeli administration, (1967-1994). The study includes analysis of the policies and practices of the Israeli authorities and its consequences. As will be demonstrated in the following chapters, the Israeli administration representing the central authority for the whole of the occupied territories, issued and implemented military enactments in all areas under its control immediately after and all through the years of its occupation of the Palestinian territories. Preliminary investigations and interviews conducted during the author's exploratory and pilot visits to the OPT, provided evidence

that the effects of the administration were uniform throughout the occupied territories.

The choice of Nablus as the focus for this research was mainly based on this evidence. Furthermore, Nablus is and has been for centuries the oldest and biggest urban centre in the north of the West Bank and is considered, by Palestinians, as the "capital" of the north. It has been a major commercial, cultural and educational centre and continues to be one of the most active in the West Bank.

The examination of the physical condition of the built environment in the centre of Nablus, development trends, investment opportunities and prospects for its future was expected to provide a suitable and representative example of other Palestinian towns. Additionally, its busy and active historic core was expected to provide additional information on the effect of the occupation on historic buildings and the urban fabric of Palestinian historic cores. Therefore, Nablus centre with its new and historic parts presented a variety of activities and functions, architectural styles and development trends which provides a wider base for the investigation, (Chapt.IV, Section 1).

The fact that Nablus is the author's home town, made it relatively easier to obtain access to various parts of the centre, and key informants in the city. It also facilitated carrying out building inspection, questionnaire survey and observation as it would have been difficult to guarantee access to other towns in view of the prevailing political and security conditions.

As will be explained below, the methodology followed in this research is based on a multiple source data to enable corroboration between various sources which will ensure as accurate results as possible. These sources included; information obtained from available literature and documentary evidence and the field survey which comprised carrying out a questionnaire survey, interviews and observation, (Section 4 below).

Therefore, while the Israeli administration', its policies and methods of their implementation were examined and analysed for the whole of the West Bank; the field survey focused on examining the centre of Nablus, the physical condition of its built environment, the building users views and perceptions of the problems and obstacles to development in their town.

The questionnaire survey comprised two parts; a social survey and a physical survey, (See the questionnaire design, Item 4.2 of this chapter and App. "C"). The format of the questionnaire followed that used by the Department of Environment's Physical Condition Housing Survey for England and Wales, although questions were designed to suit the particular conditions in Nablus, (See item 4.2 below).

Following the Pilot Survey in 1992, it was decided that the survey should cover three sample areas in the centre of Nablus including the historic quarters. These were selected on the basis of the age of the buildings and the period during which the relevant area was developed. It was found that the centre can be clearly divided into three "time zones", (Maps 4, 5& 15), these are:

1- Zone "A" (Old): this mainly covers the historic core of the city which has historic buildings ranging ranging from over 1000 years old to over fifty years old. Its development spanned the Islamic period, the Crusade period, the Ottoman rule and the British Mandate which ended in 1948 following UN decision to partition of Palestine into an Arab state and a Jewish state. Buildings inspected included residential quarters, public buildings, shops, workshops and factories. This area of the city is known as Al-Qasabah, and the section used in this sample is Al Khader/Al Nasser street which is the main thoroughfare "spine" in the old city where most commercial and cultural activities takes place and which provides easy access to various parts of the historic quarter.

2- Zone "B" (Medium): this area was extended to the north of the old city. The majority of the buildings were built during the Jordanian rule and before the occupation (between 1948 & 1967). Some older buildings still exist at the edge of the old city and in the main city square.

This area represents the focus of commercial activities in the city centre and acts as the hinge between the old city, the new business district and other parts of Nablus. Security problems and traffic congestion were at their worst in this part of the city. The section used in this sample extends from upper Ghernata street to the west through Al Hussain square (main square), to the Commercial street/Hitteen street to the east. This represents the "spine" of the business district where most commercial activities was still taking place at the time the survey was conducted and where cultural and recreational activities were concentrated before 1967.

3- Zone "C" (New): this is the new part of the business district which extends to the west of the main square and was mainly built after the occupation on what used to be agricultural land. The new buildings were constructed without municipal supervision or adherence to building regulations and safety codes. There was no clear street pattern in this area, many buildings had no clear access or pavements leading to their entrances. There were few plots available for new buildings, some had been excavated for construction and others were left as rubbish tips.



SECTION 1: Methodology constraints

The methodology was selected on the basis of the findings of the pilot visit, and as a result of the review of available studies on the subject (see Chapter II above). It soon became clear that the research methodology should take into account difficulties that were expected, and later encountered, in both getting access to key informants, and obtaining evidence from interviews and literature only. This particularly applied to sensitive issues such as Israeli undeclared policies and Palestinian views that could be construed as political. Data related to issues such as violations of "building regulations" and security of tenure, and those relating to residency permits were also expected to be difficult to obtain.

The methodology constraints were experienced throughout the research period both in the data collection stage and in the data analysis and interpretation procedure. The constraints faced while collecting data are described below, while difficulties in the interpretation of data, particularly analysing policies and objectives of the Israeli authorities were encountered from the early days of the research and throughout the data analysis stage, (Section 3 of this chapter).

The main areas of difficulty at the data collection stage, which subsequently affected the choice of its methodology, can be summarized as:

1- Meetings/Interviews: Meetings with key staff at the municipality, universities and Palestinian institutions were easily arranged and held during the pilot visit. Contact was also established with others to arrange for further meetings during the field visit. Nevertheless, there was evidence that the following difficulties could be encountered during the final data collection stage (field survey) :

- 1- Meetings with Palestinians working under the Israeli Civil Administration would be difficult if not

impossible without the written consent and supervision of the Israeli military.

- 2- Meetings with Israeli personnel involved in the decision making process on planning and regulatory issues in the West Bank would be difficult. However, when and if these were held it became evident that the chances of co-operation or obtaining the official data for certain items would be slim. A lot of the information was considered confidential and only few Israelis were allowed access (Abed, 1987, Benvenisti, 1988, Coon 1992 and JMCC 1992).
- 3- Meetings with some key Palestinians, who could provide access to past and present information, might not provide clear evidence for a variety of reasons, in spite of their willingness to assist. Therefore, some of the questions were structured in a way that would not implicate the interviewees in a political protest, which he/she were unwilling to participate in.
- 4- Some of the information obtained during the interviews might not be supported by statistics and hard evidence. This was mainly the result of the political situation, the shortage of research funds and facilities, and the lack of appropriate training for local government personnel and academic staff at colleges and universities.
- 5- Information gathered from various sources, particularly demographic data varied considerably from one source to another, (Chapt. I, Limitations). Therefore estimates had to be based on careful to be based on careful consideration of validity and reliability of sources, and may end up as average estimates ¹⁹.

2- Secondary Sources: At the time the data collection was carried out, there were little secondary data available in

¹⁹ Refer to Limitations, Section 5, Chapter I above.

this field of research particularly with regard to the condition of the built environment in Nablus or any other town in the occupied territories. There was no evidence that any studies had been carried out to assess the condition of the built environment; the extent and reasons for its deterioration; and the main problems that property owners, tenants, users, seemed to face and consider as main obstacles to its development (Chapter I, Item 1, and Chapt. II above). Although a limited number of reports related to public utilities were available, most of these have qualified the accuracy of their data due to the shortage of qualitative and quantitative research and reliable official statistics.

The available data which was expected to provide indirect indicators in terms of independent variables, were those related to the prevailing planning and regulatory policies, in both fields of economic and social development such as trade and services.

3- Relevant Literature: During the course of literature search, no documents were found which discussed the impact of the prolonged military occupation on the built environment in occupied territories in post-colonial times. In addition to the difference in the time during which, and the method by which, the occupation took place, a great deal of progress had been made since colonial times, within international law, with regard to occupation by military force (The Hague Regulations 1907, Fourth Geneva Convention, 1949). This has been clearly and repeatedly expressed in a number of UN and Security Council resolutions on the subject of Israeli occupation of Arab land, which has been deemed illegal and condemned by the International community.

The available literature in respect of similar historic cities in developing countries and particularly in Arab and Islamic countries, indicates that generally a lot of the problems of urban decay in Nablus were similar to those in other countries. Studies carried out on cities such as

Allepo, Baghdad, Cairo, Fez and others present similar general characteristics of physical problems in the historic quarters, threat of urbanisation and modern expansion and inadequate planning policies in most of these cities ²⁰.

However, the causes of these problems in other countries vary between, inappropriate administrative policies and structures, mismanagement, implementation problems, corruption, lack of funds and financial resources. The pressure of population growth and the rapid pace of urbanization, centralization of power, breakdown of communication between central and local government are also familiar factors (Independent variables).

Although most of the above was applicable to Nablus and other Palestinian towns, the significant difference is the unique political conditions that prevailed in the occupied territories between 1967 and 1994 and the subsequent policies and harsh administrative measures implemented by the Israeli authorities during the occupation. Such policies and measures are reviewed and analyzed in other parts of this study, (Chapter II, VI, VII, VIII).

The absence of relevant literature with regard to similar conditions in other countries, and of sufficient documentation with regard to the physical condition in Palestinian urban centres restricted the documentary evidence available for this research, (Chapter II above).

Therefore the data collection strategy had to be designed to overcome these difficulties, thus a multi source data technique was selected (Section 2 below). This aimed to ensure that during the analysis process, data collected from one source could be corroborated with another one or more sources. For example, respondents' perception of a

²⁰ See Antonio, 1982, Aouabed, Ashour, 1988, Bianca 1983 & 1984, Browne, 1977, Cantacuzino, 1976, Lewcock, 1983, Serageldin, 1983 & 1993, UNCHS, 1986, UNESCO, 1984, Vigier, 1987 & Warren, 1983.

certain problem could be verified by the author's observation, photographs, and/or documentary evidence.

Furthermore, a decision was made during the pilot visit in 1992, that all the questionnaires and interviews would be administered by this author. This would guarantee that all lines of inquiry related to a particular source has been exhausted, as a certain amount of perseverance and persistence was needed. It also became clear during that visit that most people had deep suspicions and worries, and were unprepared to write down their response for fear of reprisal. The use of a tape recorder was ruled out for the same reason. Some people were also hostile to the idea of allowing photographs of buildings to be taken, even if they were not theirs, and the camera had to be hidden in certain areas, particularly the old city, until the respondent gave permission for its use.

The administration of the questionnaire by this author had the benefit of allowing flexibility in rephrasing certain questions and rearranging their sequence depending on the respondents attitude and particular circumstances. It also allowed informal probing and discussion which produced valuable additional information, which was also used in corroborating other sources in the final data analysis. In the case of interviews with un-cooperative or reluctant officials, decisions sometimes had to be made on the spot with regard to an alternative source who might be more willing to cooperate. This proved to be useful in the case of Palestinian officials as some were more ready than others to provide the required information.

In spite of continued efforts, no Israeli official agreed to be interviewed or to supply any official data. However, one Palestinian planner employed by the Civilian Administration, one Arab-Israeli planner, and one Israeli planner who was the head of the Central Planning Department until 1980 agreed to be interviewed (Khamayseh, Khayat & Shkoukani, 1993). The information obtained during these interviews was valuable to the research findings.

Therefore, the only available official Israeli data was that published by government sources, which was rejected or viewed with suspicion by Palestinians and independent Israeli planners. Another Israeli source of data was that published independently by Israeli liberal professionals' and academics, which being critical of the government policies in the OPT, was rejected, or at best ignored, by the Israeli authorities, (Chapter I, Limitations above).

With the refusal of Israeli officials to provide information or answer specific research questions, and with the absence of reliable official documents that could be supported by other sources, the data used in this research could only be based on the available sources which were mainly critical of the Israeli policies and practices, (Chapter I, Definitions). However, the choice of a multi source methodology ensured that objectivity of the findings could be maintained as it allowed the information from various sources to be verified.

SECTION 2: Methodology Background:

The research topic and background required the use a variety of tools to obtain as much accurate data as possible to justify the proposition. The research strategy was therefore based on methodological integration. Primary sources of evidence were obtained by a variety of methods. Documentary search and analysis of literature, observation and interviews provided qualitative *soft* data. Physical and social survey in selected areas in Nablus city centre using questionnaires and physical inspection of buildings and urban spaces were chosen to yield quantitative *hard* data to support the qualitative data.

Methods of collecting evidence in survey methods can be classified in many ways. However the combination of methods is often appropriate to make use of their different strengths and to overcome their limitations (Moser & Kalton 1971). The political and security conditions that prevailed in the OPT, at the time the survey was planned, together with the resulting restrictions and limitations, had to be

taken into consideration before a decision on the final survey methods was reached.

The only census for the West Bank, was carried out in 1967 by the Israeli authority immediately after the occupation, (Chap. I, Limitations & Chap. II, item 1.2). Available statistics and demographic data varied considerably depending upon the political position of the source. This, together with the controversy over who was entitled to be resident, and the limits of recognized city boundaries in the OPT, meant that the above problems were even more serious than in other developing countries.

Restrictions on land use under the occupation, difficulty imposed on land registration for residents, secrecy and the inaccessibility of land registry documents are some of the topics under investigation in this research. Consequently, obtaining land records posed a problem in finding sample frames. This, together with the absence of reliable demographic data, meant that the design of the sample survey, according to the standard methods of random sampling, had to be ruled out.

Research problems related to absence of reliable data and inaccessibility of official records are encountered by researchers in similar, although less harsh, conditions in developing countries. According to Bulmer, survey research in developing countries presents a paradox in so far as sample design is concerned. In many cases, sampling according to the standard principles poses formidable problems. There are usually no sampling frames, no central registry of all citizens, no census tracts with home addresses. If these exist, they are likely to be unreliable (Bulmer & Warwick, Chap.7, p.91, 1983).

Bulmer refers to Hersh, Cezar & Roy, 1976, in his argument that in development research in academic disciplines such as sociology, anthropology, and political science, non-probability sampling is more common due to;

"indefinite population, unavailable sampling frames, small budgets, lack of time, inexperienced personnel, pressure for results and the like". He also argues that the likely extent of non-sampling errors in surveys in developing countries has led some commentators to question the absolute value of probability samples *per se* (Ibid).

Under the circumstances that prevailed in the OPT, the response to the questionnaire survey was expected to be limited. In addition to the absence of a sampling frame, the questionnaire could only be completed by those who would accept to answer the questions, particularly those related to obstacles created by the Israeli administration.

Furthermore, with the unpredictable security conditions and frequent curfews, completing all questionnaires during the field visit was not guaranteed. Consequently, the aim of the survey was to provide as much information as possible on as many cases as practical, even if these cases did not constitute a representative sample.

Bulmer justifies ruling out random sampling where sampling frames are not available, and if the objective is not to obtain a representative sample but to study few cases and identify problems. He also argues that in a homogeneous population or under assumed conditions of homogeneity, non-probability sampling is acceptable, (Bulmer & Warwick, Chapter 7, p.98, 1983).

In chapter 10 of Bulmer and Warwick's book "Social research in developing countries, 1983", Ward states that smaller scale qualitative case studies may yield just as useful data as attempts at large scale probability samples which yield unsatisfactory data. He examines the sampling methods and types of error in Third World surveys and the difficulties of providing truly representative samples, (Ward, p. 126, 1983).

As an alternative, Ward suggests the use of some sort of carefully selected, "purposive" survey design, where the investigator selects target groups and problems in which

there is policy interest. This he adds, means going straight to the heart of questions, using supporting evidence and information to guide the direction of inquiries (Ibid, p. 134). The answer to limitations of random/probability sampling, he argues, lies in making more selective choices using qualitative in-depth surveys. The unacceptable data errors may not be important in relation to analytical issues. This strengthens the argument in favour of a close integration of statistical and analytical methods.

The political and security problems in the OPT, inability to obtain sufficient and reliable data from available documents during the literature search, and difficulties anticipated in completing the questionnaire survey, meant that the research should be based on a combination of multiple sources of information, including qualitative and quantitative data, that could be corroborated and integrated to provide the required evidence.

The integration of research techniques within a single project opens enormous opportunities for mutual advantages, (Bulmer 1984). The author states that the value of "methodological marriage" is apparent, not least because the weaknesses of one style can be balanced against the strength of another. Thus, the methodology used for this research is expected to benefit from such "marriage", in view of the research topic and circumstances.

On methodological integration in social research, Donald Warwick identifies cases where such integration is useful

"If for instance, residents in a certain neighbourhood refuse to take part or show signs of falsifying their answers, it may be helpful to use more qualitative approaches to understanding the situation. At the very least some informal, open ended interviewing might be done with community leaders and other influential people to explore the nature of local reaction to census.." (Bulmer and Warwick, p. 280, 1983).

He lists five main reasons for bringing together two or more data sources in the same study:

- additional categories of information: expanding the number of data sources to obtain crucial information that is not available from one single method;
- improved accuracy in measuring single phenomena, by combining data sources will increase confidence in the accuracy of measurement and observations made on a given phenomenon;
- qualitative depth, as he argues that findings from quantitative data may attain a high level of precision and statistical significance, but still be very difficult to interpret outside a qualitative framework;
- generalizability of findings across units;
- historical interpretation. (Ibid p.280-289)

Warwick points out that;

"the case for multiple data sources is especially strong in the developing countries for the simple reason that the data collected by any one method are often subject to substantial error. Survey research, in particular, is likely to suffer from such drawbacks as sampling bias; respondents incomprehension of the method itself; fears about the uses to which the survey data will be put; difficulties in reaching certain remote areas; errors arising from interviewers and other sources of error."

He also points out that;

"anthropological field research may likewise suffer from the lack of experienced professionals in the field, government suspicion or regulation of village studies, and local scepticism about the purpose and uses of such research. A combination of methods, while no panacea for the ills of social research, at least holds the promise of counteracting as well as comprehending the biases of a single data source" (Ibid).

The choice of one of the five major research strategies in social science: experiments, surveys, archive analysis, histories and case studies, is usually based on the type of research questions, the extent of control the investigator has on events, and the degree of focus on contemporary as opposed to historical events (Yin 1984).

Each is a different way of collecting and analyzing empirical exploratory, descriptive or explanatory purposes.

Case study research is also based on the use of multiple sources of evidence.

Most of the arguments put forward by the various authors quoted above, apply to the circumstances and conditions surrounding this research. The research methodology was, therefore, based on methodological integration of different strategies and relied on a number of data collection techniques, to ensure that the research findings were as accurate as possible. It generally followed the design and methods of case study research in terms of the use of multiple source evidence, although it did not strictly involve selecting a case study, but purposively selected samples.

SECTION 3: Definition of Objectives

3.1 Research problem:

Following the occupation of the Palestinian territories in 1967, the Israeli authorities superimposed military enactment on most laws and legislative structures which existed on the eve of the occupation. In addition to enforcing harsh security measures such as long curfews, demolition and sealing of property, the occupation authorities imposed various restrictions on Palestinians ability to; travel, build homes, use their land, set up businesses, import and export, with varying degrees of severity all through the occupation. Thus introducing dramatic changes to the way people lived, worked, and their ability to improve their environment and the quality of their lives.

The objectives of the research therefore are to;

- determine the effect of the prolonged military occupation on Palestinian towns, namely the impact of the planning and regulatory policies imposed by the Israeli authorities and their practices on the condition of the built environment in these towns and the prospects for their development;

- establish if there is a relationship between these policies and practices and the deterioration in the built environment in Palestinian towns with focus on the historic city of Nablus, (The difference between policies and practices are defined in Chapter I, Definitions).

3.2 Research questions:

In order to achieve the research objectives, the following questions were investigated:

- What were the significant changes that were introduced by the Israeli authorities to laws, regulations and institutional organisations, which had an impact on the condition of the built environment and the development of Palestinian towns?
- What elements of the built environment were directly affected by the Israeli policies and practices in the OPT? Why and how were these affected?
- How and to what extent did the changed laws and policies affect the ability of the local Palestinian authorities to play an effective role in the development of their towns and to provide the required services for their community?
- What was the impact of these changes on the professional and academic institutions and the private sector (formal and informal), and their ability to contribute to the urban development of their towns?
- what effect did these changes have on the ability of local Palestinians to build and utilise their properties, expand and upgrade their businesses and improve their environment and their living conditions?

3.3 Hypothesis:

This research aims to examine the following hypothesis:

"The Israeli administration of the occupied Palestinian territories has been a major cause of deterioration in the physical condition of the built environment in the city centre of Nablus during the period 1967-1994."

However, there were a number of difficulties in achieving these objectives that were recognised from the early stages of the study, while formulating the research proposition, and all through data collection and analysis stages in addition to the constraints described above.

While it was possible to examine and analyse the changes imposed, by military orders, on original Jordanian laws and resultant restrictions and limitations of these changes, it was not possible to find out, from the Israeli authorities, the objectives of these changes and how they could have benefited Palestinian towns and their population. Neither was it possible to obtain information on any existing Israeli policies which aimed at encouraging urban development, stimulating investment and improving Palestinians' living conditions.

Absence of any explicit objectives for Israeli policies had the added difficulty in disentangling some of the Israeli personnel and army's arbitrary practices and those carried out under guise of security measures from those included in changes imposed on original Jordanian law such as refusal of building permits, demolition of houses for planning reasons and tax collection methods, (Chap. I, Definitions & Chap. VIII, Sect.1, item 1.3).

Israeli policies often generated certain Israeli measures and practices which subsequently provoked a chain reaction from the Palestinians in response to these practices and measures. The Palestinian response was usually followed by harsher Israeli policies and more oppressive reaction to the Palestinian reaction.

This was clearly demonstrated by the resignation of the municipal council in response to Israeli practices. The absence of municipal council consequently resulted in

further deterioration of built environment and services, (Chap. VII, Sect.1 & Tables 17- 18).

Another example was the Palestinians' revolt against excessive increases in tax, the introduction of new taxes and the abolition of the civilian appeal courts. The Palestinians' refusal to pay such taxes to their occupier resulted in more severe collection methods, such as tax raids, closure of businesses, confiscation of identity cards, (Chap. VIII, Sect. 1 & Tables 17-18). Such measures resulted in further loss of income, discouraged investment and led to building and business owners neglect of their properties, which consequently worsened the physical condition of buildings and services.

Another dimension that needed to be examined was the effect of the lack of policies and general neglect from the Israeli authorities for the needs of the population under its control, their priorities for development. Therefore the research had to examine the effects of what is considered "obstructive" policies as well as the effect of lack of "constructive" policies for development.

This added to the difficulty of linking the cause and effect of the research hypothesis. Therefore, the research attempts to explore such connection through the questionnaire survey and interviews in order to establish if there was a widespread public perception and opinions of the problems and their causes which would support the validity of the proposition, (Tables 17-18 & 37).

The choice of a multiple source data collection methods which facilitates integration of these methods aimed to corroborate information obtained from the questionnaires and informal interviews, with the interviews with officials and professionals, observation, documentary evidence and literature review, (Section 2 above). This, as will be demonstrated in the interpretation of data in the following chapters, was planned to strengthen the evidence and improve the accuracy of the findings.

3.4 Concepts and their measurement:

The hypothesis contains concepts which propose a relationship between the deterioration in the physical condition of the built environment and the policies and practices of the Israeli occupation. To enable systematic research to be conducted, the concepts need to be operationally defined.

An operational definition specifies the procedures that permit the differences between units to be specified or measured in respect of the concepts concerned (Bryman and Cramer 1990). In order to provide operational definitions of concepts, indicators were selected which were considered most relevant to measure the concepts. It is common to speak of measures as variables to denote the fact that units of analysis differ with respect to the concept in question. As Bryman and Cramer explain;

"On the whole, the social sciences are concerned with variables and with expressing and analyzing the variation that variables exhibit." (Ibid, Chapter 4, p.63).

According to Berger and Patchner, variables are a special kind of concepts, "A variable is a concept that varies. It can take two or more values." (Berger and Patchner, p. 29, 1988). They also define hypothesis as a guess about the nature of relationship between two or more variables. The independent variable is considered the presumed "cause" of a particular phenomenon and the dependent variable is the presumed "effect" (Ibid). A similar definition is given by Bulmer in his study on the meaning of relationships and states that;

"The core of sociological analysis is to be found in the asymmetrical relationships. In this type of relationship we postulate that one variable, (the independent variable) is essentially 'responsible for another (the dependent variable) (Bulmer, chapter 3, p.71, 1992).

3.5 Operational definitions:

The research proposition is based on the causal link between two variables; the Israeli administration as the independent variable and the physical condition of the built environment in Nablus as the dependent variable. In view of the complexity of the problem, the definition of the Israeli administration as the independent variable, in reality, refers to a number of "sub-variables" of which the policies and practices of this administration are comprised. The policies are examined on three levels, political, planning and regulatory, and financial.

The built environment under investigation here as the dependent variable, also refers to a number of "sub-variables". The built environment is therefore examined at three levels: The building, its immediate environment (area) and the city centre as a whole.

Multiple-item measures are often used by researchers. This entails asking individuals their positions in relation to a number of indicators, which stand for one concept. The procedure for analyzing these multiple items is to aggregate each individual response in relation to each question and to treat the overall measure as a scale in relation to which each unit of analysis has a score based on a pre-coded scale (Bryman et al 1990).

The Israeli administration of the Palestinian occupied territories: This refers to changes introduced by the Israeli occupation authorities and administration to the planning laws, legal and fiscal policies, legislative and administrative structures which the research postulates, have created major obstacles to development and contributed to deterioration in the built environment in Nablus.

Policies and practices also refer to decisions taken by the military authorities on security grounds that directly

affect issues such as curfews, access to property, closure of businesses, restrictions on land use, demolition and sealing of property, (Chap.I, Definitions, Chapt. VI, VII.& VIII).

The deterioration in the physical condition of the built environment: This refers to the dilapidated condition of buildings, lack of maintenance and inadequate supply of building space, urban spaces, amenities, services and infrastructure and to environmental concerns in the city centre (the central business district and the historic core of Nablus). It also refers to physical effects of military confrontation, full or partial demolition and sealing of property, (Chap.IV, V, App."A", Tables 20-37).

3.6 Testing the hypothesis:

The two main components of the hypothesis will be examined by the multiple source techniques. Policies and practices of the Israeli administration (*Independent variable*) will be examined through review and analysis of the available literature and documentary evidence and by studying the relevant Jordanian laws that existed before the occupation, the changes imposed by Israeli military orders and the implication of these changes. Where possible, a comparative analysis will be carried out between various planning, regulatory and financial policies relevant to urban development in Jordan, Israel, the OPT and Jewish settlements.

This aims at establishing whether the policies imposed and implemented under the Israeli administration in the OPT were equitable to those prevailing in Israel and the Jewish settlements and whether the changes superimposed on the original Jordanian laws created obstacles to development, (Chap. VI).

The composition and powers of central and local authorities, professional and academic institutions, the role of formal and informal sectors in the development process under the occupation will also be analysed, (Chap.

VII), by examining the existing institutional structures and the previous and changed laws related to them.

The documentary evidence and review of the literature will be supported by the views and data obtained from semi formal interviews with officials, professionals. and academics. The professional view of the difficulties and problems will be corroborated with the users response to the questionnaire of what they consider to be obstacles to development.

The physical condition of the built environment (*dependent variable*), will be examined by; analysing the available documentary evidence, reports and studies regarding services and infrastructure, and interviewing officials and professionals to obtain data and information on the availability, capacity and condition of public utilities and infrastructure, quality of construction and development trends and problems.

The questionnaire survey which will include users views on the nature and extent of the problems with their building, area and centre is included in the first part of the questionnaire (App."C", Questionnaire, Part A).The physical condition of various parts of the building and the availability and condition of building utilities and public amenities are examined in Part B of the questionnaire. A further inspection of selected buildings in the three zones aim at providing a more detailed picture of problems with the physical condition of the buildings and their surrounding areas.

The information obtained from the documents, interviews and questionnaire, together with authors observation are corroborated and cross checked to improve the accuracy of data interpretation. In addition to qualitative data obtained from documentary evidence and interviews, the indicators for independent and dependent variables were summarised for easy definition to obtain the building users' views thus:

3.7 Independent variables:

As described above, the policies and practices of the Israeli administration are measured on three levels: political, planning and regulatory and financial policies. The three levels are considered to have created obstacles to development and contributed to the deterioration in the built environment in the city centre. A number of indicators have been selected to measure the value of each independent variable.

(A) Political :

This refers to severe measures and practices carried out by the military authorities for security reasons, acts of the civilian resistance groups "Intifada" and the absence of local police, traffic officers or sufficient authority to keep law and order in the city. The only law enforcement was carried out by the Israeli military and mainly dealt with the Israeli security concerns, (Questionnaire Part A, Q40, & Chapt. VIII, Tables 17-18).

Indicators are:

1. *Violence* affecting persons and property which includes; fighting, military clashes, use of weapons and tear gas by the army. It also includes burning car-tyres and throwing stones by Palestinian resistance groups.
2. Breakdown in *law and order* and lack of authority to enforce them which resulted in vandalism, burglaries, break-ins, and general criminal incidents.
3. *Property and business closure* resulting from frequent curfews, strikes, fighting, and partial closure of selective streets/areas for different periods of time (hours to weeks) which resulted in;
 - inability to open business;
 - inability to reach business (if living in a different district);
 - inability to conduct business particularly outside Nablus (buying and selling).
4. *Demolition* of houses and *sealing of property* for either definite or indefinite periods of time as forms of collective punishment.

5. *Uncertainty* in terms of the Palestinians worries about their future and the political prospects for the territories. This was due to various policies and measures imposed on them by the Israeli occupation authorities including;

- residency permits and family re-union laws;
- entry and exit permits;
- expulsion of suspects;
- confiscation of property;
- demolition of property;
- sealing-off property for long periods;
- military orders affecting various aspects of their daily life.

(B) Planning and Regulatory policies

These refer to the changes imposed on the original Jordanian laws related to institutional structures and powers of local authorities, planning procedure , land use and ownership, security of tenure and outdated rent controls, (Chapter VIII, Tables 17-18 & Quest. Part A, Q40).

Indicators are :

1. *Absence of municipal councils* such as Nablus municipality which was run for four years by an Israeli Mayor and council appointed by the military authorities (M.O. 993, 1982). The last Palestinian council which took over from the military in 1986 resigned in 1988 in protest against the political situation. Until July 1994, the municipality, was run by care-takers and had very limited powers, (Chapt.VII, Sec. 1).
2. *Planning laws and building regulations* including the changes in the administrative structure of the planning authorities which existed before the occupation, (Chapt.VI, Sec. 1).
3. *Control of ownership of land and property* by the Israeli authorities which resulted in the inability of land owners to register their land, claim it or develop it. The control was achieved by laws and military orders imposed on the Palestinian population, (Chap.VI, Sec. 1).

4. **Rent Control laws** were not revised or updated after the occupation to follow the Jordanian laws. Low rents and inability of owners to reposess their buildings discouraged investors from building new property or improving existing buildings.

(C)Financial:

During the occupation the financial sector was under the full control of the Israeli authorities. Laws and policies were issued through military orders and enforced by the military. These policies restricted the residents ability to invest, benefit from outside investment and consequently improve their built environment and living conditions (Chapt.VI, Section 2, Quest. Part A, Q40). Indicators are:

1. *Lack of investment* by local residents due to the political problems, uncertainty, restrictions and high taxes imposed by the authority. Restrictions imposed on Palestinians to receive Arab and foreign investment, constrained potential investors ability to help the Palestinian economy as the authorities limited the amount of money allowed to enter the OPT. Israel also imposed conditions on the type and size of the projects international organisations or NGO's were prepared to fund, (Chapt VI, Sect 2).

Although this indicator was a result of the political conditions (independent variable) and should therefore be considered dependent. It did, however, contribute to the deterioration in the physical condition of buildings and services and thus is also considered as an independent variable.

2. Absence of any public or private Palestinian *financial institutions* to plan the economy, guide investment or provide credit and saving facilities, (ibid).
3. *Closure of all Arab banks*, immediately after 1967. The only Arab bank allowed to re-open in 1987 was linked to the Israeli banking system with restrictions imposed on its assets and operations, (ibid).

4. *High taxes* imposed on businesses in spite of the drop in income and the severe economic conditions after the Intifada. Tax raids were carried out by Israeli tax officers aided by armed soldiers in army cars, (ibid & Chapt. VIII).

3.8 Dependent Variables:-

As pointed out in item 3.6 above, deterioration in the built environment was measured by examining the following three categories considered as the *main dependent variables*:

1. the building or the unit (flat, shop etc.),
2. its immediate environment referred to as the area, and
3. the city centre.

(A) Buildings:

a- old (pre 1948): mainly in the historic core of the city, familiar problems are: maintenance, dampness, water penetration, availability of services, structural stability, external finish, stairs, noise, pollution, visual appearance, architectural/historical value.

b- medium (1948-67): mainly around the main city square and main shopping streets, familiar problems in addition to the above: war damage including demolitions, broken glass, twisted metal, damaged doors and windows, abandoned floors and buildings.

c- new (post 1967): mainly in the new extended part of the centre to the west of the main square, common problems in addition to the above are: quality of construction, level of maintenance, compliance with building regulations, access, stairs lifts, height, architectural and urban design value, internal and external finish and condition.

(B) Amenities; such as availability, condition and level of maintenance of open spaces, parks, recreation facilities and landscape.

(C) Infrastructure in terms of age, capacity, future plans, maintenance level, available funds for:

- services;

- public utilities
 - roads/traffic and parking facilities
- (D) **Environmental issues** in terms of health and safety regulations and control of pollution for: water, air, sewerage disposal systems, refuse collection, also noise, pollution and pedestrian safety.

The built environment will be examined by multiple source techniques, (item 3.6 Testing the hypothesis above). The above items will be analysed qualitatively in detail in Chapters IV and V relying on available documentary evidence, reports and studies, interviews with officials, professionals and academics. However, the questionnaire survey, (parts A and B), was designed to provide quantitative data to support the qualitative data. The above four categories were measured in terms of the users views as to whether a certain problem existed and each was scaled as serious, bad, acceptable, or no problem, results are included in Appendix "A", "B", Tables 20-42).

The initial selection of the indicators for the deterioration in buildings and surrounding areas was decided after reviewing the limited available literature on this subject, (BRE "Checklist for rehabilitation of Traditional Housing", DOE "The English House Condition Survey", M. Carley "Housing and Neighbourhood Renewal and the Survey conducted by Medhurst and Lewis in "Urban Decay: An Analysis and Policy". It was later finalised after authors own observations and building users comments during the pilot survey. Variables causing problems considered to be hazardous to health and safety, or problems that could continue to deteriorate and cause damage to other elements and/or threaten the stability of the structure (Britten, 1993, BRE, 1982 & 1990).

The provision and condition of basic services in the building and surrounding areas were also selected as indicators. Therefore, the following variables were selected for the components under investigation:

1. Building : *Noise, pollution, ventilation, natural light, draft, water penetration, dampness, access to building, traffic and parking in front of building, building utilities such as sanitary facilities, power, heating etc., and the level of maintenance.* The measurement was based on:

1. users views, (whether the problem exists and if it is serious);
2. the availability of certain utilities such as power, water, heating, drainage and sanitary fixtures; and
3. the condition of certain items such as walls, roof, stairs, entrance, etc. based on the authors' inspection and observation.

2. Area : *Traffic, parking, street vendors, pollution, hygiene, services, pedestrian safety, access to area/ street, spaces between buildings, security: fighting/ violence, law and order, amenities (parks, landscape, public toilets).* The final measurement was based on:

1. users views and evaluation of the problem/s
2. availability of certain facilities and public amenities in each area.
3. the physical condition of certain facilities such as, pavements, landscaped areas where these exist, services such as drains based on the authors' inspection and observation.

3. City Centre : *Traffic, parking, street vendors, pollution, hygiene, services, pedestrian safety, access, spaces between buildings, amenities, level of maintenance, restoration of historic buildings.* The measurement was based on:

1. user's views and evaluation of the problem/s in the centre;
2. availability of facilities in the centre as a whole;
3. the physical condition of these facilities supported by the author's inspection and observations.

SECTION 4: Methods Used to Collect Data

As described in Section 2 above, the methodology was based on a multiple source evidence method. The various techniques used in this research are described below.

4.1 Data Collection Techniques:-

The research aimed at examining the two main components of the hypothesis, the condition of the built environment and the policies and practices of the Israeli administration between 1967-1994, in an attempt to discover if there was a causal link between the two. As a number of indicators were selected for each of the variables, these indicators were measured by a number of the techniques selected as the sources of evidence.

4.1.1 Scope of Investigation :-

- 1- The physical condition of the built environment: buildings, urban spaces, services, infrastructure and environmental concerns in the city centre (the central business district and the historic core). These will be examined by studying documents and records (items a & b below), carrying out interviews and the questionnaire survey (item c) and observation and physical inspection (items d & e).
- 2- The existing planning and legislative structures, regulatory and fiscal policies and the process and implication of their implementation. The examination and analysis of this component will rely mainly on documentary evidence (item a & b), and on interviews with officials and professionals (item c).
- 3- The views and attitudes of local residents towards the above two categories which will be mainly examined by conducting the questionnaire survey and informal interviews, (item c).

The multiple source data that was adopted in the research methodology comprised the following elements:

4.1.2 Sources of Evidence :-

a Documentation: This included;

- Administrative documents, proposals, progress reports, and internal documents .
- Agendas, announcements (M.O.'s), and other written reports and events.
- Formal studies and reports carried out in the same or similar field of research by Universities international organizations, NGO's, and PVO's).
- News clippings and articles published.

b- Archive Records: These included;

- Service records and charts.
- Maps, drawings and diagrams
- Survey Data such as census.

c- Interviews/ Questionnaire: The interviews were informal with open ended questions to obtain facts and respondents opinions, or semi structured (focused) type which followed a certain set of questions prepared to obtain specific information while maintaining the informal nature of questioning. The questionnaire included close- ended, pre-coded questions and comprised two parts; the social survey (item 4.2.1 below) and the physical survey (item 4.2.2), (Also Scope of the Survey p. 96-98 above).

d- Direct observation: This provided additional evidence in respect of a certain indicator, for instance pedestrian movement, access, or traffic pattern that could indicate certain problems, this was also supplemented by photographs.

e- Physical/Visual inspection: This involved a more thorough inspection of a number of buildings in the three selected sample areas, which were also included in the questionnaire, to obtain more information on the nature and extent of the physical problems in the buildings and their causes. The inspection schedule was based on the BRE survey techniques (item 4.2.2).

The physical inspection, together with the "Physical Survey" of the questionnaire (item c above), have the added support of drawings, sketches, photographs, video tape and reference to existing documents.

4.2 The Questionnaire Design:-

A draft questionnaire was prepared in English before the field visit in March 1993. The questionnaire survey was designed in two parts and comprised the following:

1. A social survey to obtain basic social data from building users including building age, ownership and tenure and rent and frequency of maintenance (Appendix "C", Part A, Q1-Q33) and their views and perceptions of the problems with their buildings, their immediate environment and the city centre, (ibid, Q34- Q39). It also aimed to obtain their views on what they considered to be obstacles to development, (ibid, Q40). Questions included in this part were answered by the users.

2. A physical survey of the building/unit to obtain information on the availability and condition of various building elements and utilities, (ibid, Part B). Questions in this part were mainly completed by the users, although items in the questionnaire which involved technical views such as accessibility to the building or area, the description and physical condition of certain building elements and utilities were completed by the author, (ibid, Q30-40, items 1/1, 1/5-7, 4/1-7 & 5). A more detailed inspection was carried out on twelve of the sixty three buildings where the questionnaire was completed.

4.2.1 The Social Survey:-

The first part of the Social Survey involved introductory questions regarding the buildings, their age and use, frequency of maintenance and rent issues. Questions relating to, and generating, expressions of views and attitudes to the prevailing political situation were deliberately left to the end of the questionnaire after a degree of rapport and trust with the respondent had been

established. These comprised a set of standard questions related to building owners/users views on the condition of their building, the area where it is located and city centre.

The objective was to obtain the occupants' and users' account of the type and extent of the problems in the built environment in Nablus and the factors that contributed to these problems. This included what they considered to be the main obstacles to development in the field which directly affected their daily life and/or the running and future prospects of their businesses (item 3.7 and 3.8)

4.2.2 The Physical Survey:-

The choice of questions, used to assess the physical condition of buildings, was based on the limited available literature on this subject. The author also benefited from her own long experience in architectural practice in the region while carrying out the physical inspection procedure of buildings, services and spaces and in assessing their condition.

A draft questionnaire for the "Physical Survey" was prepared was prepared based on similar studies, the author's experience and the pilot survey, (item 3.8 above). This draft was discussed in a meeting with engineers and researchers at the Building Research Establishment (BRE) in order to refine the proposed survey techniques. As a result of the different circumstances and expectations in various countries, there is no international standard formula or measure for the physical condition of buildings.

The check- lists for the Physical Survey and the Inspection Schedule for this research were loosely based on the BRE check- lists. However, since the BRE list is thoroughly detailed to ensure a high standard of construction to be expected in a developed country, it was evident that such high standards should not be expected in the case of Nablus.

The list was therefore modified to include only the basic provision of utilities and a checklist on physical problems that might cause danger to the property, its users and its immediate environment. Consequently many items were excluded such as adequate thickness of insulation, and appropriate flashing fixing, both generally unavailable, or unsuitable kitchen or toilet lay outs. Availability of certain services such as central heating, mechanical ventilation was also not anticipated and was not considered an appropriate measure to determine the fitness of a building for use under the prevailing circumstances in Nablus.

Senior engineers at the BRE confirmed that measuring physical conditions in buildings is subjective and varies between different surveyors carrying out the same inspection. However, the surveyor/inspector should create his/her own measurement and base his/her judgement on those criteria. The engineers advised that the deterioration should be measured on the basis of items that could either constitute danger to health and life or that could cause further physical problems and deterioration in the building, (Britten, 1993). After the completion of the English draft of both parts of the questionnaire, it was translated into Arabic.

4.3 The Field Survey:-

The field survey was carried out at the middle of the second year of the research. Following the exploratory and pilot visits, and sixteen months of data collection and literature review which formed the basis of the proposition, the methodology and the questionnaire design. One of the main aims of the survey was obtain the views of building users and examine the condition of their buildings and their immediate environment to obtain as much quantitative data as possible.

Another aim was to interview officials, academics and professionals involved in urban developemnt in Palestine

in general and Nablus in particular to obtain their views on the subject matter and collect any available new documentary evidence. However, the term "survey" in this study will refer to the data collected by interviews, questionnaire and observation and documents between May and July 1993, during the main field visit.

4.3.1 Collecting Documentary Evidence:

The search for documents and official records started from the outset of the research and continued until the writing up stage, which was the end of the study period under investigation (Israeli administration 1967-1994). The documents were obtained from local independent Palestinian and Israeli publications, Nablus municipality records and archives, Al Najah university studies, and Nablus Chamber of Commerce records. Palestinian libraries were a main source of documentation (Arab Studies Centre, PASSIA, Al-Haq, Nablus Municipality). UN publications were obtained from UN libraries in London (UN Information Centre), and Amman (HABITAT & ESCWA), UNDP offices in East Jerusalem. Documents from the ILO and UNCTAD were requested by correspondence from their HQ in Geneva.

Documents were also made available by officials and professionals in Amman, Jerusalem, Nablus and Ramallah. Although very few documents were available in this field of research in libraries in Britain, copies of some reports and studies were obtained here from individuals and fellow researchers in Britain who had an interest in the subject matter.

4.3.2 The Questionnaire Survey:

The questionnaire comprised two parts, the Social Survey to be completed by the building users and the Physical survey which was designed to be completed by the users and the interviewer/researcher.

Selecting Respondents:

In the absence of a sampling frame, reliable demographic data and author's inability to obtain an official

register of owners and tenants, it was decided that purposively selected samples would be used (Bulmer & Warwick, 1983).

The method of selecting the "respondents" or interviewees followed a daily walk-about in the three sample areas. Most of those interviewed were selected out of those who agreed to answer questions and were cooperative. Some respondents, however, were purposively selected either because they represented an interesting case or because they were considered to be representative of a certain category such as a soap factory or a public bath in the old city.

This method of selection, the uncertainty of users rate of response and ability to complete the questionnaires meant that building use will not be part of the selection procedure. Such consideration was ruled out in the early stages of the research due to the absence of any reliable register of building uses, number and types of businesses in the city, (Hanbali, & Hindeyeh, 1992).

The situation was exasperated by the political and security conditions during the Intifada as a number of businesses and homes were closed as a result of political and financial pressures, (sealing of property, inability to pay tax and business failure). This was not considered as a serious handicap since most buildings were under uniform conditions and suffered the same problems in terms of their physical condition and the prevailing political and security conditions.

Although a total number of 63 questionnaires were completed, during the analysis stage 60 of the questionnaires were considered for statistical analysis and three were excluded as many of the answers were missing or were too general to be quantified. However, these three questionnaires yielded more qualitative data and were therefore considered to be more suitable as interviews and were analyzed as such.

Most respondents provided more information than was required by the questionnaire. The additional information was handwritten at the back of the questionnaire and was later analyzed as qualitative data. Each questionnaire took an average of one and a half to two hours to complete.

The size of population in the three sample areas was not the same (ie Zone "C" is considerably smaller than "A" & "B") The type of activities in both Zone "A" & "B" is more varied than in Zone "C" which also justified the difference in the number of questionnaires completed.

a- Piloting the Questionnaire:-

The questionnaire was piloted by asking six respondents, randomly selected, from Zone "A" and "B" in the city centre to answer the questions. This established a pattern of answers mostly expected, in view of the generality of the conditions. It also emphasized or negated certain assumptions made after the pilot visit in 1992, particularly with regard to suspicion and fear, and unwillingness to cooperate on certain subjects. This helped in restructuring/rephrasing some questions that were subsequently asked in the three sample areas.

b- Completing the Questionnaire:-

The Arabic software which was used in the translation of the questionnaire in Amman, was not available in the occupied territories. The author could not revise the questionnaire and had to carry out the changes by hand written text on the original form. This proved more practical as some interviewees were reluctant to answer certain questions which had to be rephrased a few times to encourage their response.

While conducting the questionnaire survey, the sequence of questions was re-arranged according to each respondent's circumstances. An introduction of 15-20 minutes was always helpful to break the ice and establish common ground. In the introduction, it was important to emphasise the author's links to Nablus and the objective of the research as most people in the OPT were reluctant to talk to strangers.

Although, the majority of respondents eventually answered most of the questions related to them and their buildings, after some probing, few were willing to volunteer any information about other buildings or their occupiers, in particular those related to sealed or demolished property.

Political issues were not always the most sensitive that respondents wanted to avoid, as some were very openly critical of the Israeli authorities particularly those who suffered most from their policies and practices. Issues such as rent, ownership and absentees partners proved sometimes more sensitive and some respondents were reluctant to discuss.

It soon became evident that a lot of perseverance, patience and flexibility was required from any interviewer if this method was to be successful. It was also evident that most cases could not be entirely standardized and many respondents had additional and varied information according to their different conditions. Some needed persuasion and probing, while others volunteered information readily.

In conclusion, in spite of offers of help by friends and staff at the university, the author found that the process of interviewing and inspection was on the one hand informative and interesting, but more importantly too critical to be left to others, thus it was decided that she should carry out all the work by herself. The two parts of the questionnaire (The Social and Physical Surveys), contained questions to be filled by building users (respondents). The questions included in Part "A" (Social Survey) aimed at obtaining general information on the building, their relationship to the unit, rent, maintenance and their views on the nature and extent of problems with their building/unit. It also included questions on their views with regard to their future plans for the business/building and what they considered to be obstacles to carry out these plans and to the development of the city, (App. C, Quest., Part "A").

The second part (The Physical Survey), included questions that were designed to give information on availability and condition of various building elements and utilities, description of the building and its main components and description and condition of urban spaces, services and the immediate environment. Some of the general questions included in the first part were repeated in the second as it was assumed, at the time the questionnaire was prepared, that each part may be filled by different interviewers.

The questions included in this part of the survey were designed to be answered by both the building user and the interviewer/researcher. Those directed to the users were of more general nature which required information regarding availability of a certain item, satisfaction of the user with certain services such as electrical supply. However, questions of a more technical nature such as the physical condition of a certain building element such as roof protection, floor and wall finish, structure and stability of new extensions were planned to be filled by the interviewer/researcher, (App. C, Quest., Part "B"). and were filled by the author. Twelve buildings were selected from those inspected for a more detailed physical survey, (item 4.3.4 below).

4.3.3 Interviews and Request for Data:

Israeli officials were approached during the field visit in June 1993. Officials at the Central Planning Department of the Israeli Civilian Administration, who were in charge of all the planning issues (Chapter VI), refused to be interviewed.

A number of administrators and officers were approached by phone, but would not give permission to visit their offices, which was located within the Israeli Military Headquarters of the West Bank and classified as a high

security zone. The spokes-person for the head of the Planning Department, asked for some information about the nature of the research and for a letter from the university, where the study was conducted, before a decision could be made. The official letter from the University of London (DPU), requesting the help of the authority and a covering letter from the author with the required information was faxed through (re Fax dated 6.7 1993). After a few calls and further inquiries, the request was denied on the basis that all the information needed could be obtained from Nablus municipality.

The information requested involved data on the type and number of public projects that obtained planning approval from the Central Planning Department in the Civil Administration over a number of years, the central government budget and expenditure on various projects over a period of time in Nablus (including buildings, roads and infrastructure). Other information requested involved; future planning policies, land use, process for obtaining permission, and existing problems in the built environment, what they plan to do about it and how it could be resolved, (see research questions above).

The author tried to obtain information from other departments at the HPC and CPD after obtaining contact with key figures from friends and fellow researchers in Palestine and Israel. Although the response of those contacted was initially "friendlier", nevertheless, they were unable to give any information without written instructions from the CPD.

A number of Palestinians working at the local offices of the CA in Nablus, in the Public Works and Housing Department and the Traffic Department declined to give information and showed the author written instructions from the CA forbidding them from giving any data without the written consent of the administration. These offices were approached twice in 1992 and 1993 with the same results.

The chief engineer at Nablus municipality was originally interviewed in 1992, when he provided all the information requested which was mainly of a general nature (Hanbali, 1992). However, the engineer declined to be interviewed to answer more specific questions in 1993 and was also unable to provide any answers to a list of 30 more specific questions. The list was returned with one comment "Since 1988, there has been no mayor or municipal council in Nablus, the Law is in absence" (Hanbali, 1993).

The author sent another letter to the cheif engineer disclosing the comments received from the CPD and requesting that he answers at least some the questions. In spite of stamping the letter at the municipality registry and officially entering it in the official files, the letter was never answered, (Author's letter to M. Hanbali.18.7.1993)

All planning issues, expenditure, information and official policies related to public buildings, at the time of the survey, were the responsibility of the Central Planning Department (Chapter VI). Therefore all information was kept at their offices. During informal discussions with Palestinian officials it became evident that this information was either kept away from them, or they were given misleading or inaccurate information. In-accessibility of Israeli officials had also been experienced by a number of researchers previously including Israelis (Benvinisti, 1984, Abed, 1987 & Coon, 1992, JMCC, 1992).

A number of Israeli planners who did not have official or government positions agreed to be interviewed. These included academics, ex-planners and Arab Israelis (Interviews 1993). The author was also able to interview one of the few Palestinians working with the Local Planning Committee representing the district level of Planning under the Israelis (Shkoukani 1993).

The limitations on having access to key informants was exasperated by the fact that some informants requested that

some of the data should either not be disclosed or they did not wish to be quoted. As the West Bank was still under the Israeli military occupation at the time this research was completed, some of the valuable evidence obtained by the author, could not be used as it might have put the sources at risk.

4.3.4 Physical Inspection of buildings and Spaces:-

In addition to the brief inspection of buildings and adjoining external spaces as part of the Physical Survey, (Part "B" of the questionnaire), a thorough inspection of selected buildings/units was carried out. This included five buildings in Zone "A", five in Zone "B" and two in Zone "C". Spaces, streets and pavements in the three zones were inspected, sketched and extensively photographed for reference.

The inspection included external and internal examination of floors and walls, roofs and ceilings, openings, utilities and service connections. Evidence and causes of water penetration and dampness, cracking and failure of finishes, rot in timber and rust in metal elements, incorrect fixing of openings and overloading and sagging of floors and balconies were some of the items investigated and recorded, (Chap. IV, V & App. B).

Selection of this smaller sample of the original sample was made following few visits to the city centre. It was noted that certain problems existed in many of the buildings in the three sample areas which were considered to be serious and hazardous to both the safety of the buildings and the users. This selection was aimed at providing additional evidence of the deterioration in the physical condition of these buildings by investigating the extent and causes of certain problems particularly those related to quality of construction, lack of maintenance and war damage.

Problems examined and recorded in one building which is a part of a whole block such as Anabtawi building, (plate 44), was representative of problems in the rest of the

block. The adjacent three buildings had clear indication of abandoned floors, broken glass, twisted metal, water penetration, broken steps and other problems. Access to the whole of a building was sometimes difficult. Access to roofs and upper floors was also difficult and had to be ruled out in most cases as a security risk, (Chapt IV).

4.3.5 Observation :

During the final survey, which involved 10 weeks stay in Nablus, the author visited the city centre almost every day even during strikes and troubles. Most of the time, the whole day would be spent walking the streets, conducting questionnaires and interviews, making sketches and taking photographs. After the initial suspicion and curiosity, the author's presence became familiar and was eventually accepted. In later weeks, many, especially youngsters, offered to help in finding places, introducing key informants and helping in the inspection of buildings.

The author used three locations (friendly owners), one in the middle of the Al Hussain square, the second in a shop in Ghernata street and the third in Zone "C" where people, traffic and activities could be observed. These were frequently used as resting places and observation points, (see map No 15).

SECTION 5: Methods Used to Analyze Data

The data collected and subsequently analysed comprised both qualitative and quantitative data. The former was obtained from documentary evidence, interviews and observation. The latter from the questionnaire, the physical survey and available secondary sources such as statistics, tables and diagrams.

5.1 Quantitative Analysis:

5.1.1 Choice of Sample Area:

The questionnaire covered three zones in the city centre chosen on the basis of the period during which the zone was developed.

The criterion used to measure the urban decay in the city centre was based on the inspection of the physical condition of buildings and their immediate environment, according to their location, in three parts of the centre as defined in the introduction to this chapter. This was supported by views and perceptions obtained from users in these areas. Of the total number of respondents who were interviewed, and whose property was inspected, 21 were in the historic core, Zone "A", 25 in the middle part of the city centre; Zone "B" and 14 in the new part of the centre; Zone "C", (App.B, Table 38).

The decision to divide the sample areas in the centre into these three zones was facilitated by the fact that the age of most buildings in each zone could be related to the historic period during which that zone was developed. Although there is almost a clear physical division between the three zones (map No 6), there are few exceptions. This can be seen at the northern edge of the historic core and around the main city square (Al Hussain) where a number of buildings were over one hundred years old, such as the soap factory in the square and the line of buildings to the south of it, bordering the old city and linking with the old gates/city entrances.

Although some of the buildings underwent various alterations, many remained intact. Another grey area could be found at the eastern side of Zone "C", where some of the buildings were built in the mid 1960's during the last years of Jordanian rule. Thus another criterion was used based on building age regardless of the zone where it is located, and that was to evaluate the condition of a particular building in relation to the period when it was constructed.

The purpose of the two scales of measurement is first to define the general characteristics of each zone under study and consequently the main problems and difficulties. The other was to examine the quality of construction of each individual building and to examine if the physical

condition characteristics could be related to the period during which it was built. This was expected to provide indicators to any significant difference between the type and extent of problems of buildings constructed during various political periods regardless of their location.

Table (2)
Building/Construction Period

Construction Period	Number of Buildings
Historic	22
Old (British Mandate)	10
Medium (Jordanian rule)	20
New (Occupation)	8
Total	60

5.1.2 Choice of Variables:

Out of the original 186 variables included in the questionnaire, a total of 126 variables were selected for both the social and the physical survey (Appendix A & B).

Independent Variables: These were selected to represent the policies and practices of the Israeli administration during the occupation which are considered as obstacles to urban development in Palestinian towns. These were divided into three categories: political, planning and regulatory, and financial (3.6 above).

Dependent Variables: The dependent variables representing the deterioration in the physical condition of the built environment were measured at three levels and were considered the "Main Dependent Variables"; the building, the area and the centre of Nablus.

The effect of the three main independent variables was tested twice in the process of questioning. First, during the initial questioning of respondents regarding their relation to the building, their satisfaction with its use and physical condition, the frequency with which they

carried out maintenance work and their plans for the future. This was expected to provide an indication as to whether their views and plans for the building/business were related to the political, legal and financial policies that prevailed at the time of questioning.

The second testing of the variables was after obtaining the respondents views on what they considered to be the main problems with the building, the area in which it is located and the city centre as a whole. This was designed to give an indication as to whether the respondents related the problems they specified at the three levels with the political, legal and financial policies and practices imposed by the Israeli authorities.

5.1.3 Measurement of Variables:

The questionnaire was only one of the sources of evidence selected for the research and was designed to provide the statistical data. All questions included and considered in both parts of the questionnaire were close-ended questions and could therefore lend themselves easily to numerical coding.

As mentioned in the first part of this chapter a lot of information was given by the respondents in addition to the answers to the questionnaire. The data that emerged from these additions was taken down as notes which were later typed, scanned and analyzed as qualitative data in the same method of semi-structured interview analysis. Although the answers were initially coded before the survey was carried out, it was necessary to re-code them after the translation to English and as a result of the changes.

The proposed answers to the questionnaire were designed to facilitate easy coding and were therefore amenable to statistical analysis. There were no numerical variables in the questionnaire and therefore raw data relating to all variables were categorized and coded.

Entering the Data

To facilitate the use of a computer statistical package for the analysis of the data (SPSS/PC+), a code-book was prepared to fit that particular package (Ref. Appendix C). It included the variable names and labels with their values as coded on the questionnaire and the value labels (Frude, 1993, Chapter 2, 19).

The data from the sixty questionnaires was entered, for ease and speed, through a different software EPI which is compatible with SPSS, and then it was exported to the SPSS/PC+ software for analysis.

5.1.4 Statistical Analysis:

Frequencies :

The data was summarised to enable the detection of patterns and tendencies within the answers. Therefore the frequency distribution was obtained by the use of the package which demonstrated the number of times each specific answer occurred. This also indicated the proportion of cases contained in each frequency such as *relative frequency*. The use of frequency distribution and proportion was particularly useful to demonstrate the number of cases where a certain facility and/or problem was present within the sample areas.

Cross-tabulation :

One of the simplest and most frequently used methods of examining the presence of relationships between variables is cross-tabulation. A relationship usually exists between two variables when the distribution of values for one variable is associated with the distribution exhibited by another variable (Bryman and Cramer, Chapter 8, p.150, 1990).

After summarizing the data and obtaining the frequency distribution and its proportion in each case, it was important to start investigating the relationship between various variables.

As the cross-tabulation procedure enables us to examine the frequencies of values with respect to two or more variables simultaneously, the aim was to examine the conditional distributions: the distribution of one variable under particular conditions of another.

To enable an assessment of how the various independent variables affected the physical conditions of buildings of

various ages or locations the cross tabulation method was used to compare the effect of a certain variable, such as violence, on buildings located in different zones. This was aimed to determine whether one zone suffered significantly more than the others as a result of this factor which would have provided an explanation of the phenomenon of the large number of abandoned premises observed in that zone which have contributed to the deterioration of that area.

The frequency of the occurrence of a certain problem in relation to the age of the building where it occurred or in relation to its location could also confirm whether the absence of the municipal council and adequate building codes has affected the quality of construction (using dampness and water penetration as indicators) one zone more than the others. This was useful particularly in the case of Zone "C" and the buildings constructed after the occupation .

After deciding on the causal ordering of the variables which entailed the selection of the independent variables and dependent variables which need to be examined in relation to each other, the cross-tabulation method was used to produce tables. The tables contain information on the frequency of occurrence expressed as a percentage of the row total, the column total and the population total.

The following relationships were examined thus;

- Relationship between *independent variables* such as obstacles, constraints (political, legal or financial) and *dependent variables* (related to owners and tenants) such as frequency of maintenance, satisfaction with use and condition of building/ business, future plans in terms of the ability to improve or expand it.
- Relationship between certain problems identified in buildings and the location and age of building. This enabled establishing the type and extent of problems in buildings according to their location and age. For the purpose of this particular exercise, the problem investigated in the building was considered the *dependent variable* while age or location of the building were considered the "cause", *independent variables*.
- Relationship between the occurrence of certain problems identified in the area/environment where the building is located as the *dependent variables* and three zones as the *independent variables*. This enabled establishing the characteristics of problems in each zone.
- Relationship between the three categories identified as obstacles to development (*independent variables*), and what all users views were on the physical condition of the unit/building, area, and the city centre as the three *dependent variables*.

5.2 QUALITATIVE ANALYSIS

The qualitative analysis involved analysing all the data obtained throughout the study period which included the available documentary evidence, secondary data and the data collected during the field survey from interviews with officials and professionals and from informal interviews with building users and local Palestinians.

The analysis of the documentary evidence started in at the very early stages of the research and continued until the final writing up stage. As mentioned earlier, the early analysis and review of available documents and literature formed the basis of the research proposition and methodology techniques.

Although most of the qualitative analysis of was developed alongside the quantitative at the final analysis stage, some of it started earlier during the field survey. The qualitative data was constantly analyzed from the start. This involved all the field notes, observation notes, arranged interview notes and notes taken from informal conversations during the questionnaire survey and sketches and photographs. A diary was also kept, where events and special comments on interviews and the days events were recorded. It was important to examine the evidence as it emerged from various sources and detect confirmations and contradictions and clues for further investigation.

The fact that the author is Palestinian and lived in a Palestinian home during the field survey, meant that she became subject to, and involved in all the daily events and difficulties that permanent residents of Nablus experienced as their "normal" daily routine/life. It was therefore difficult to maintain a spectator's non-participant observer role and not to become emotionally involved. However, as this was anticipated after the pilot survey in 1992, a certain strategy for taking field notes and early analysis of data was adopted from the outset. Techniques were followed to maximise the ability to cross check and corroborate evidence from various sources.

Walker observed that data yielded by different techniques differ in kind:

"interviews provide information on reported behaviour, attitudes and beliefs; discussions yield respondents reports; observation offers descriptions of behaviour in a specific context." (Walker, Evaluating Applied Qualitative Research, Chapter 11, 185, Applied Qualitative Research, 1985)

5.2.1 Preliminary Analysis :

Most qualitative analysis is concerned with "coding" the data into categories. The quickest and easiest way is to decide upon categories in advance and simply go through data putting the appropriate sections of data into the particular categories they illustrate. (Jones, The analysis of Depth Interviews, Walker, ed., 1985)

A lot of documentary evidence was reviewed before the field work, which formed the base of the hypotheses and research questions and subsequently the selection of concepts and indices. Since one of the methods used to collect data during the field trip was the questionnaire survey, most of the preliminary categorizing and coding was already done. The first part of this chapter was prepared before the visit, and a list of categories was, therefore, ready for immediate qualitative analysis during the field work.

Semi-structured Interviews :

Because of the semi-structured nature of the interviews with officials and key informants, a list of questions was prepared before the interview as a guide to the subjects that would be covered, but invariably more subjects were discussed during the course of the meeting.

Notes of some answers and comments were taken, but some could not be immediately recorded, as it was more important to keep the natural flow of the conversation. However, to ensure that no data was left out, the interview texts were entered into the computer on the same or the following day, whether written in Arabic or English, while the information was still "fresh". While entering the data additional information emerged which was subsequently entered under defined categories.

As a result of the political conditions, prevailing at the time of the survey, it was difficult to programme the interviews to follow a certain pattern of investigation. Interviews took place, whenever it was possible to get access to informants as difficulties were encountered

during strikes, curfews, or interviews in West Jerusalem and Israel. The fact that the author is Palestinian made it more difficult for her, than other researchers, to obtain access to Israeli officials or to travel easily to other towns during area closures in spite of her British passport

However, residing in Nablus during the field survey made it easier for her to continue her survey of buildings and interviewing users in Nablus during strikes and area closures, although, obviously, not during curfews and military clashes. A number of informants also suggested meetings with other people who could advise on certain questions or give additional data, a few of whom were pursued and subsequently interviewed. Some of the prepared questions had to be modified before an interview to include queries on notes taken from other informants for corroboration of data. In some cases another interview was requested with a previous interviewee for further clarification, although not all were possible.

As the survey progressed more categories were added and more input from various informants could be seen to fit within the categories. In addition to categories already defined within the survey questionnaire, others were introduced, such as the professional conduct of contractors, architects/engineers, building violations by owners and/or professionals, building codes and regulations for quality control and the level of co-operation between municipal engineers and university staff.

Informal Interviews :

This refers to the conversations held with respondents to the questionnaire. Most of the conversations were recorded at the back of the questionnaire as general notes and comments. This practice ensured that the notes would be later related to the location and general characteristics of the building and its user, for further evidence during the final analysis stage.

However, it was difficult to take down some of the

respondents accounts of personal tragedies and suffering relevant to the questionnaire questions, such as demolition, sealing of property, imprisonment, economic hardships etc. It was prudent that such information was only written in code in order not to reveal sources.

Physical Survey :

A copy of the city centre's plan, was divided to the three zones under study and enlarged to allow space for notes during the inspection of spaces. Observation notes were jotted down at the back of the questionnaires and the inspection schedule and were later checked against other notes, and photographs.

Observation:

The observation method of collecting data was conceived as a non-participant observation to ensure that objectivity would not be affected. However, as mentioned above, it was not possible to maintain this position all-through the survey as it was difficult not to become involved in daily events. These events included; sudden eruption of hostilities, army actions which often included shooting, harassment of residents and tax raids on businesses, and the Palestinian's Intifada's violent and non-violent actions.

Thus, during the course of the survey it was inevitable to experience fear and anxiety, interruption of activities etc., frustration and delays as a result of inability to get from one area to another. It was, however, useful to observe how people survived and managed their daily business under conditions of violence, curfews, strikes and closure of business and to experience personally how vulnerable and uncertain life was under those conditions. These observations were later included as supporting evidence in the final analysis.

According to Becker and Geer:

" Observation provides firsthand reports of events and actions and much fuller coverage of activities, giving direct knowledge of matters that, from interviewing, we can know about it only by heresy." (Participant Observation: The Analysis of Qualitative Field Data, Chapter 32, 239, Field Research, R. Burgess, ed., 1982).

5.2.2 Final Qualitative Analysis :

After the field work, and while in the process of organising and translating the questionnaires to English, the process of qualitative analysis started, based on the preliminary analysis carried out during the survey. Sue Jones argues that;

"the analysis of qualitative data is a process of making sense, of finding and making a structure in the data and giving this meaning and significance to ourselves and for any relevant audience" (Jones, Chapter 4, Walker, ed. 1985).

The analysis strategy was conceived and developed over a period of time, whilst also reviewing various publications on the analysis of qualitative data. In *Styles of Data Analysis: Approaches and Implications*, Burgess warns researchers of the issues, work and time involved in qualitative analysis, (Burgess, 1982).

Interviews were re-read in their original form, then the typed text was checked, revised and edited. This was done while other field notes were read and scanned for new categories.

The qualitative analysis was a long and slow process as it involved many sources of evidence which had to be brought together and linked to certain categories. The video tape taken at the end of the survey in the three sample areas, together with the large number of photographs and slides were very useful reminders and supporting evidence to the notes and interviews. Walker points out that;

"analysis involves 'fracturing' data into 'lumps of meaning' (e.g. events, actions, acts, statements, concepts) and the subsequent restructuring, first by categorisation and then by developing relationships between categories" (Walker, 1985).

The main stages for analyzing data according to Macintyre (Recording and Analyzing Field Dat, 1979), are:

1. Categorizing and coding of data.
2. Relating topics discussed during interviews and noted as observations to relevant categories, sometimes certain subjects can be related to more than one category.
3. Identifying topics and inter-relationships.
4. Examining relationships between various topics, (Burgess, Chapter 8, 1993).

The fact that the analysis started while the questionnaires were translated helped to continue the focus on the issues and original research questions. Records of informal conversations were continuously read and re-read and coded to enable it to be entered under defined categories.

The following summarizes the strategy and process followed for the data analysis:

- 1- Written notes and typed texts were organised under sources of evidence; interviews, conversations, questionnaire, observation etc.
- 2- Interviews (semi-structured or informal), were classified as:
 - Officials, planners and engineers
 - Professionals and academics
 - Owners, tenants and building users

- 3- Topics were categorised as identified by informants into:
 - a- Problems (dependent variables)
 - b- Causes (independent variables)
- 4- The written original text and the typed text, were read and reviewed a number of times and subsequently compared to notes on maps, sketches photographs, and observation notes.
- 5- Interviews were scanned and summarized in terms of; category, content, and views on the subject.
- 6- After different types of data were mapped, analyzed and corroborated the following categories (as problems and/or causes) emerged:

Legal: Planning obstacles, weak local authorities, absence of legislative and executive power, restricted boundaries, violations.

Political: Change of policies after the occupation and particularly after the Likud government came to power, damage to city during the Israeli council take over, restrictions imposed by the military.

Technical: Municipal technical resources, pressure on services, lack of quality control, building, safety and health codes, professional practice codes and existing practices. lack of cooperation between municipal departments (internally) and universities and research centres (externally).

Financial : Restrictions on investment, external funds, banks, and taxes.

- 7- A comparison was carried out between, municipality officials accounts, academics accounts, professionals accounts, and finally users accounts from the notes taken during the questionnaire survey.
- 8- Frequencies and distribution of each category between the various informants were checked and recorded.
- 9- An analysis of the findings was carried out based on an analytic explanation- building strategy, (Yin, 1984)
- 10- A diagram/map was drawn representing the various categories and relationships between them, to explore the nature of these relationships, whether one caused the other, or could be explained by the other. The categories were placed in boxes with arrows indicating the links between them. The process was repeated a few times before a final map was produced, (see diagram page 3).
- 11- Towards the end of the qualitative analysis, the statistical results of the quantitative analysis were ready for the final corroboration.
- 12- All through the data analysis stage and later during the writing-up stage, the newly obtained documents and literature were reviewed, analysed and the originally reviewed literature was re-read and also analysed and corroborated with the survey findings.

Conclusion:

In conclusion, both the quantitative and the qualitative analysis provided strong evidence that a link exists between the two components of the hypothesis. However, some of the values of the proposed indicators proved to be stronger than others and subsequently emerged as the worst problem in the built environment or the most serious obstacle to development. Other indicators for the deterioration in the physical environment proved less critical and were therefore excluded from the analysis while new elements that emerged were included, (App. A Tables 20-37 & App.B, Tables 38-42).

There was overwhelming evidence in both qualitative and quantitative data to prove that the three proposed main independent variables (political obstacles, legal obstacles and financial obstacles) have contributed to the deterioration in the physical condition of the built environment according to the vast majority of respondents and interviews, (Tables 17-18).

The results of the questionnaire survey indicate that building users put more emphasis on all variables tested for political obstacles, (ibid). As far as legal obstacles were concerned, the absence of municipal council and rent controls were considered as the most serious. The issue of tax was considered as the main financial obstacle and most respondents regarded it as serious as political and security problems, (ibid).

The emphasis of officials, professionals and academics was directed at the legal and planning issues and effects of fiscal policies as products of the political situation. This is attributed to the fact that they were more aware of the details and implications of the regulations and policies than the users.

The results of the two methods of analysis, including more detailed quantitative data related to building surveys, were used to interpret data, the findings of which are

presented in the following chapters in support of the hypothesis. During data interpretation and writing-up stages, these results were continuously corroborated with the documentary evidence and literature review to integrate all the information obtained from the various sources of evidence according to the methodology selected for this research (Section 2, p. 111-113 above, Bulmer & Warwick, p. 280-289).

After the corroboration with other sources, the data interpretation was based on evidence obtained from one or more sources such as literature and interviews, supported by quantitative data obtained from the questionnaire which will be integrated to provide evidence of certain indicators. However, in the absence or weakness of evidence from one source, such as secondary sources, for a certain element of investigation is compensated by the evidence obtained from primary sources such as interviews and questionnaires, (ibid). Therefore, the data interpretation will be an integration of primary and secondary sources throughout the following chapters.

Therefore, the interpretation of the research findings is based on the integration of the review of literature, documents and secondary sources available until the end of writing up stage, and primary sources obtained during the field survey from interviews, questionnaires and the physical survey results, field notes and observation. This method of presentation was used to strengthen the evidence and ensure the accuracy and interpretation of the findings.

CHAPTER IV

The Deterioration in the Physical Condition of the Built Environment:

Data interpretation and analysis of the physical condition of buildings, urban spaces and activities in the centre of Nablus city.

Introduction

This chapter presents a description and analysis of the physical condition of the built environment in the centre of Nablus based on the integration of data obtained from available documents, the results of the field survey which included data obtained from the questionnaire (social and physical survey), observations, and interviews conducted in 1992 and 1993.

It should be noted that the results of the survey represent the condition of the built environment at the time it was carried out and are based on available information up to September 1994.

The survey aimed at examining the condition of buildings, urban spaces and services in order to establish if, and to what extent, they have deteriorated. It also aimed to establish if the political situation, legal and financial policies, that prevailed under the occupation, have contributed to their condition.

The physical condition of the buildings and spaces in the centre of Nablus was selected as representative of the condition of other Palestinian urban centres, (Chapt. III, section, Scope of Survey). Nablus centre also includes its historic core which offers substantial commercial and social services, the changes in the activities and the physical condition in this part of the city provides a further indication of the effect of the Israeli Administration policies and practices on the national heritage of Palestine.

The results of the physical inspection were corroborated with users views of the problems with their buildings, the immediate environment and city centre, (Chapt III, Sec. 5, Quest. Part A). To enable an assessment of users ability to overcome these problems, and to maintain and improve their property and business, their views on the obstacles that faced them were also obtained and further analyzed in Chapter VIII, (Quest. Part A, Q 40, Tables 17 & 18).

In the absence of documented evidence concerning the condition of the built environment before and after the occupation, samples from three areas, which were developed at different periods, were selected to enable a comparison between the quality of construction and the change in activities in each area, (Appendix "A", Tables 20-37).

In order to understand and evaluate the conditions that prevailed in the city centre, a brief background of past activities and trends is presented in the first section of this chapter. The section describes the existing architectural styles and urban design elements in the city centre. It reviews the past and present activities in the three areas and analyses the pattern of change in these activities under the occupation. It also gives a brief description of the institutional structures and development patterns in the city over the years.

To evaluate the physical condition of buildings in the three zones, basic external and internal elements of the selected buildings are examined and analyzed, and general characteristics of the observed problems are summarised in Section (2). Condition of urban spaces and amenities in the city centre is presented in Section (3). Details and results of the statistical analysis are included in Appendices A (Tables 20-37) and B Tables (38-42).

Definitions :

Physical Survey: refers to the inspection of buildings, units and spaces in the city centre in the three selected zones which formed part B of the questionnaire survey. A further inspection of twelve selected buildings from the original sample was also part of this survey, (Chapt III, items 4.2.2 & 4.3.4). However, due to the limited time and resources it was only possible to carry out a visual inspection rather than a thorough physical survey. This exercise could only "scratch the surface" and highlight the main physical problems in the built environment. It was not feasible to carry out technical or structural stability tests which would require the employment of professional

surveyors, structural and service engineers. It is therefore recommended that a thorough physical investigation is carried out in the future to enable a more accurate assessment of the problems revealed by this research.

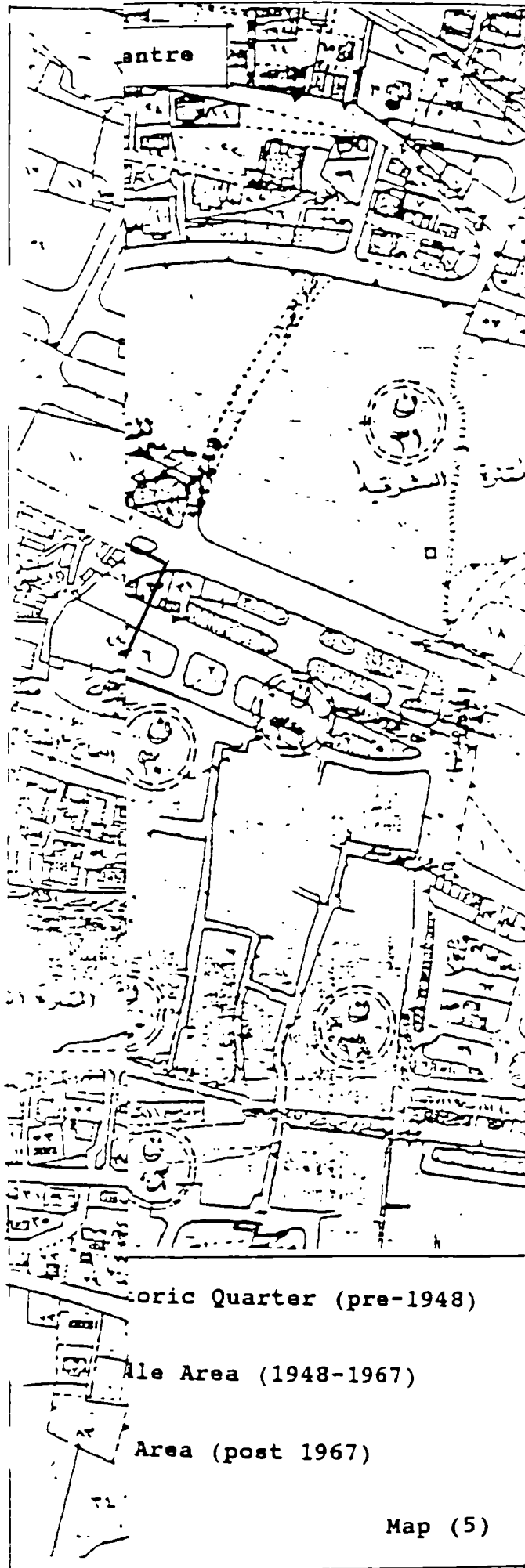
Urban design & architectural styles: description of building form, urban fabric, architectural styles, building materials, heights, spaces, landscape, special characteristics of the area such as fountains, roof-scape, archways and bridges etc.

Activities in the city centre: review of past and present activities in both the old and new parts of the centre in terms of building use, current business trends and changes from previous business types, difficulties and problems facing business owners and users, existing traffic and circulation patterns.

Changing trends: analysis of traditional, aesthetic and cultural characteristics and how these changed over the years. Also review of the current architectural and construction practices such as new building styles, location and quality of new buildings and level of adherence to building codes.

Scope of the Survey:-

During the field trip to Nablus between May 1993 and July 1993, a questionnaire survey comprising a social and physical survey were carried out in the centre of Nablus (Chapter III, Section 4). The survey covered three main areas The selection of buildings in each area was according to the period during which the three zones were developed; pre 1948 period Zone "A", 1948-1967 period: Zone "B", and After 1967 period Zone "C", (Map No 5, below). The physical survey was supported by a more detailed inspection of a smaller sample of twelve buildings, (Chapt.III,item 4.3.4).



Section 1: General Description

Regional Context:

Major changes had been imposed by the Israeli authorities on administrative structures and jurisdictions that prevailed in various regions of the WB before 1967.

After the unification of Jordan with the West Bank in 1950, the Jordanian government initially maintained the British Mandate structures. However, in 1957 it established a three tier administrative structure of District (Liwa), sub-district (qada), and rural sub-districts (nahiyeh). The three main "superior" districts, which were later redefined as counties (muhafatha), were; Nablus, Jerusalem and Hebron. Nablus district/county consisted of: Nablus sub-district (divided into two rural sub-districts) and sub-districts of Jenin and Tulkarm, each with its own rural sub-district, (Benvinisti & Khayat, 1988, p. 34).

After the occupation, the Israeli military authorities abolished the Jordanian structure and divided the West Bank into seven sub-districts, thus stripping Nablus and Hebron from their higher status. More significantly, Jerusalem was "illegally" annexed to Israel and areas under its jurisdiction were transferred to Bethlehem and Ramallah sub-districts, (ibid).

A dual administrative system was later developed in the OPT after the creation of Israeli regional councils (Military Order 848, 1979). Under the new system, a dual division of one Arab (military sub-districts) and one Jewish (regional councils) were created, (ibid). The Arab sub-districts included Nablus, Jenin, Tulkarm, Ramallah, Bethlehem and Hebron. Jewish jurisdictional areas were mainly in Arab land brought under Israeli control by a variety of methods (Chapt. VI, Sect. 1). and was consequently used to establish Jewish settlements.

This ethnic division was demonstrated in separate judicial, administrative and economic systems, (Benvinisti, 1988 & Chapter VI below). However, Palestinians continued to refer to Nablus, Hebron and areas originally under their

jurisdiction as "counties or regions" in spite of major administrative changes imposed by Israeli authorities.

According to Palestinian sources the region of Nablus extends over 2500 square kilometres, and its population was estimated at around 669000 in 1990, (CEP, 1992, Table 1). The region comprises Nablus city as the regional centre, and the secondary centres of Jenin, Tulkarm, Qalqilia and Tubas. The region's population were distributed among 268 urban, semi urban and rural communities and seven refugee camps, (CEP, 1992).

The pattern of urbanisation in the OPT could not be easily defined as it was difficult to distinguish between urban, semi-urban and rural communities in the absence of reliable statistics. No new municipalities were created during the occupation and the populations in some village communities exceeded those in certain cities, (ibid).

In many developing countries, urbanisation can be attributed to massive population movement from rural towns and villages to major cities in order to improve employment opportunities and economic and social conditions. However, due to the unique political conditions in Palestine, urbanisation has not been a result of any significant population movement, but rather as a result of the natural growth of cities and gradual transformation of smaller towns and villages into semi-urban centres. Since this trend took place and continued without monitoring or intervention from central or local authorities, many villages and smaller towns maintained their traditional life styles in spite of acquiring more urban functions, (ibid). In the absence of any central government support, such communities suffered from lack of services and utilities to enable it to carry out their new functions, (ibid).

Palestinian sources, in an attempt to identify urbanisation trends, divided the communities into four categories:

1. Urban Communities which have a definite urban role with centres that perform administrative, commercial and social functions. Main urban centres in this category are Jerusalem, Nablus, and Hebron. Urban towns also considered under this category are Jenin, Tulkarm, Qalqilyah, Ramallah, El-Bireh, Bethlehem and Jericho.

2. Semi-Urban Communities which include a number of rural towns and villages which acquired urban characteristics as a result of their location, increased population, changed functions, and economic activities.

3. Rural Communities which include all communities predominantly active in agriculture with no significant administrative commercial or service functions.

4. Refugee Camps which include Palestinians who lost their homes in historic Palestine after the creation of Israel. Most of the camps are located near or within urban centres. Although communities in camps may be counted as part of the urban population, their final status can only be determined after reaching a final political solution. Palestinian sources estimated in 1990, that around 43% of the population lived in urban communities, 5% in semi-urban communities, 35% in rural communities and 17% in refugee camps, (ibid). In Nablus district "county", 32% lived in urban and semi-urban communities, 59% in rural communities, while 9% lived in refugee camps, (ibid).

Historical Development in Nablus:

Nablus has been the biggest and most active urban centre in the north of Palestine for many centuries and is considered by Palestinians as the Capital of the north, (Nablus Draft Master Plan, 1990). The city is located at a central junction, 110km to the west of Amman, 66km. to the north east of Jerusalem and 42 km to the east of the Mediterranean. Its central location, water resources and fertile land, together with its traditional educational, cultural, commercial activities, historic and religious

background contributed to its significant role in Palestine, (ibid). In spite of losing its regional "title", Nablus continued to act as the regional centre serving the population in towns and villages of the region and the rest of the West Bank. Its commercial centre, schools, colleges and university, hospitals and various social services attract customers, businessmen, students, and patients (Hanbali, Kalbouneh 1992, H.Arafat, H.Touqan & observations 1993).

The old city of Nablus was built on the ruins of Roman city of Neapolis on Jerzim mountain and developed over the centuries (re item 1.1 below). Under the Ottoman rule and until the British Mandate in 1918 most of the development was confined to the lower part of Jerzim mountain away from agricultural land. The old city boundaries were 880m. long and 550m. wide, (Map No 2, 1926) . After the earthquake in 1927 a large part of the old city was destroyed. Although most buildings were later restored, many residents were encouraged to move out and start building outside the old boundaries, (Kalbouneh, 1992, Touqan, 1993, Nablus Draft Plan, 1990) The development of Nablus could be summarised, according to historians, officials and available records, thus:

1. Between 1918-1945:

Consolidation and increase of the built areas and restoration of buildings destroyed by the earthquake in 1927 continued within the old city boundaries. However, in the late 1920's, expansion started outside old boundaries in the centre between Jerzim and Eibal mountains and at the lower slopes of Eibal. New and higher buildings were built to the east and west of the new centre particularly commercial and public buildings. Most of the development was taking an east-west direction, as a result of the difficult topographical characteristics of the city (Nablus Plan, 1990).

2. Between 1945- 1967:

With the increase in population and subsequent increased

economic and commercial activities and accelerated urbanisation there was a significant increase in buildings outside the old city boundaries. The development was characterised by:

- Increased expansion in all directions although it was still confined to lower slopes of Jerzim and Eibal mountains and on east west axis. Agricultural land in the centre was, however, maintained.
- A new commercial centre was established to the north of the "old centre" in the historic city which included many public and commercial buildings.
- New residential areas were built along Nablus, Rafidia, Qalqilia axis to the west of the centre and the old city.
- After 1948, the partition of Palestine, and influx of refugees, refugee camps were established mainly to the east of the city, (Askar and Balata camps) which subsequently encouraged development to the east. This trend continued after the unification of the remaining part of Palestine with Jordan and new development followed Nablus-Amman direction to the east, (ibid).
- An industrial area was designated to the east of the city which later linked with the expanded refugee camps in the early sixties.

3. After 1967

After the occupation, Nablus development was redirected to the west, although construction continued on mountain slopes to the north and south of the city. Construction, however, continued to the east along Nablus-Amman road and the Refugee camps of Askar and Balata continued to grow as the population increased.

In the late 1970's and early 1980's the growing pressure for land and expansion forced many land owners in the centre to develop their agricultural land and to increase their building heights. Lack of a development plan for the city and the problems and restrictions encountered by local authorities and institutions, (Chapts VI & VII of this

study) meant that most of the new development was not in accordance with the needs and priorities of the city. Quality of construction also did not comply with building codes and regulations (Chapt VII, Section 3).

Legislative and financial restrictions, discussed and analysed in other parts of this study, (Chapts II, VI, & VII), deprived the city from the ability to expand its centre according to its needs or to create new sub-centres to ease pressure from the existing centre.

The Study Area:

The centre of Nablus was selected as the focus of this study for the following reasons:

1. nationally, it was subjected to the same political, administrative legislative, and financial conditions as other Palestinian centres and therefore could provide a suitable representation of the effect of the policies and practices of the Israeli administration on urban development of Palestinian towns.

2. locally, the centre included a variety of activities and functions which provided a wider view of mixed activities, styles, and trends relevant to urban development that existed at the time of the survey. The centre with its historic and new parts provided a representative case of if and how these were affected by the occupation, how the users perceived the problems with their city and obstacles to its development.

Three sample areas were chosen within the centre which were considered to present historical development in the city as described above. These are referred to as Zone "A"; THE historic core, Zone "B", the middle area in the centre and Zone "C"; the area developed after 1967 to the west of the centre, (item 1.1 below, Map No 3 and Map No 15). To ensure a higher response rate and a wider selection of activities and functions, main streets "spines" of Zone "A" & "B" were selected where a variety of buildings and activities were concentrated. This was not possible in Zone "C" as there

was no clear streets and many sites were either under construction or empty when the survey was completed.

1.1 Urban Design and Architectural Styles

1.1.1 ZONE (A):

General: The historic core is the original old city of Nablus, built on the slopes of Mount Jerzim extending to Nablus Valley on the remains of the original Roman town of *Flavia Neapolis* (from which the present name derives). Some of the existing buildings have their origin in the Crusaders period (11th - 12th C.), others were built during the Mamlouk period from 12th to 16th C.. However, most of the remaining buildings and structures were built during the Ottoman rule and more recently during the British Mandate which ended in 1948. The average age of buildings is estimated in hundreds of years (Kalbouneh, 1992). This area will be referred to as Zone "A".

Development pattern: A large proportion of the city was destroyed by earthquakes over the years, the last was in 1927, buildings were restored or rebuilt in a manner that kept the urban fabric almost intact. The building process continued during the Ottoman rule and British Mandate. Apart from some new buildings on the periphery to the south of the old town and some additions and extensions to existing buildings, the majority of buildings in this zone are historic, (Map 6).

For hundreds of years, Al-Nasser street ²¹, in the old city, acted as its main thoroughfare extending from Al-Khader street to the west and to Sahat Al-Manarah to the west. Typical of traditional streets in most Islamic cities, it has a mix of residential quarters, commercial activities, public and religious buildings, factories and workshops. Residences are normally located on upper

²¹ Al Nassr street was selected as the main sample area in Zone "A". Its varied mix of buildings and activities makes it a suitable representative of this zone.

floors, with shops, warehouses, public baths, and factories mainly on ground and lower floors.

The topography of Nablus is steep and hilly, which gives the buildings and the old city's plan their special characteristics. The buildings were constructed and extended vertically against the mountain slopes. This gives each floor the advantage of courtyards and internal gardens. The design of the houses is inward looking with most rooms opening into the courtyards and benefiting from the cool fresh breeze in summer. Traditional Islamic fountains and citrus trees are main features of the courtyards.

The size of residences varies between large multi-floor residential complexes (referred to locally as "palaces"), described by 19th century travellers as "fortresses with iron gates... to be compared with medieval family palaces in Italian cities" (Burgoyne 1987), and small apartments linked together by steep stairways and qantarah's ²².

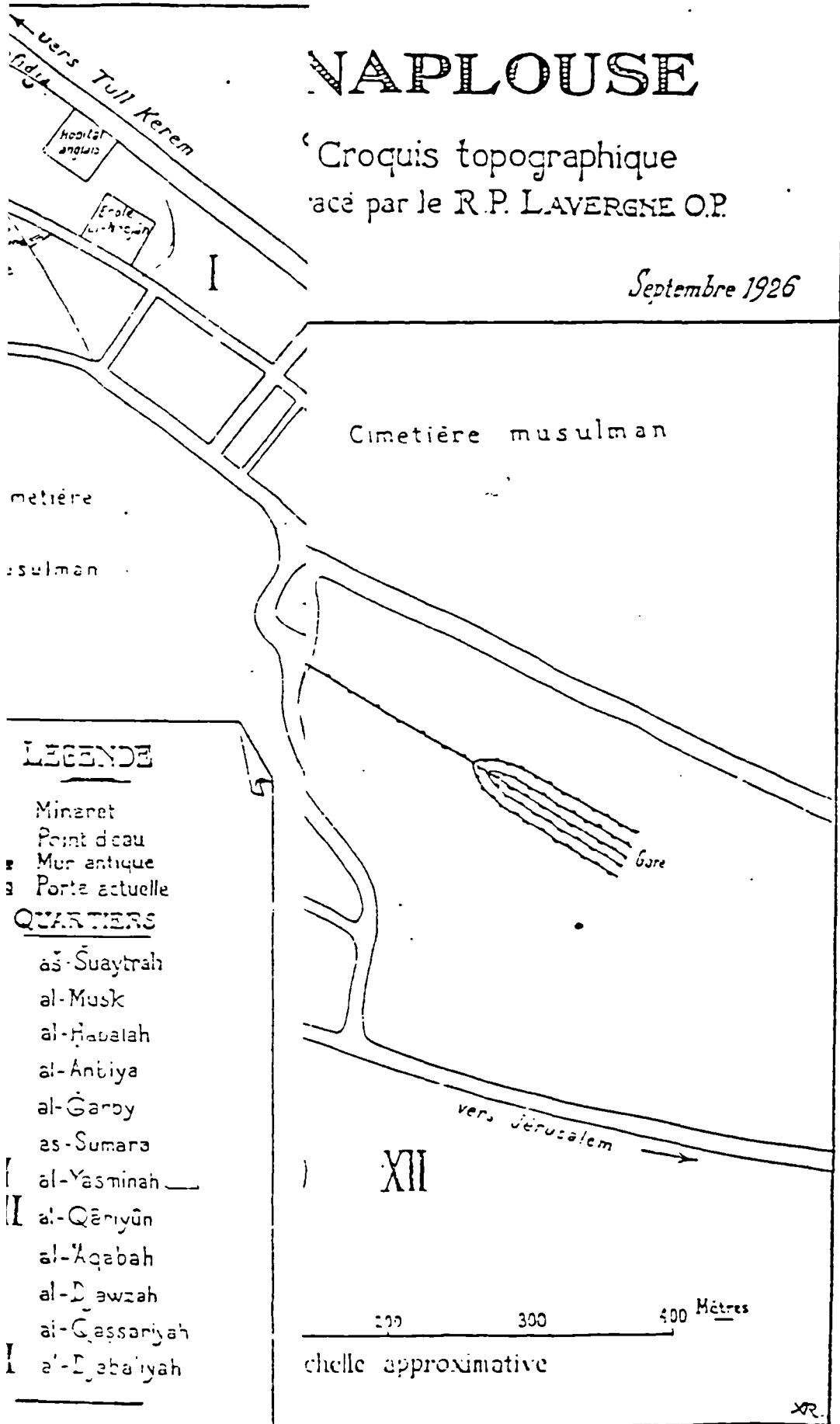
Most shops are small units selling mainly food, household goods, and small handicraft products, not exceeding 30-40 sq.m. in area. Some "factories" or workshops such as sweet factories, dress and shoe-makers, carpenters, upholstery manufacturers, and handicraft shops do not occupy much bigger premises. However, soap factories are bigger in size and usually occupy two floors. Al Nasser street has at least four soap factories, of which Nablus has been famous for hundreds of years. Only one of the factories in this street remained fully operational, one was partially open, another had been converted to shops and a coffee house and the fourth had been closed for many years.

²² Qantarahs are a main architectural feature of the old city, these are rooms built as links and bridges between buildings intersecting and articulating the street-scape.

NAPLOUSE

Croquis topographique
 tracé par le R.P. LAVERGNE O.P.

Septembre 1926



There are twelve mosques in the old city, three of them in Al-Nasser/Khader street. The Protestant Church and the Greek Orthodox Church are also both located on the west side of the street in Al-Khader street. Need for security and privacy, and the topographical characteristics of the town has resulted in a close-knit urban fabric with high building density. The maze of narrow lanes and dead-end alleys, vaulted in places to offer shelter from the hot summer sun and winter rain, gives the historic core its special character (Burgoyne 1987). The traditional architectural style is also reflected by the extensive use of domes, crossed vaults, and terraced structures. There are also numerous landmarks and nodes such as minarets, sebils (fountains) and ornamental monuments.

The external architecture is characterized by solid stone facades with minimum openings on the ground floor level and screened windows and mashrabiyyeh's on upper floors to ensure privacy and provide security to the residents. The old town is divided into six quarters. The traditional neighbourhoods reflect the social, cultural, and climatic needs of the area. They were designed to provide a gradual transition from the public space of the Suq, to the private residential space via semi private streets and pedestrian routes and dead-end lanes (Qamhiya, 1992).

1.1.2 ZONE (B):

General: This is the main business district of Nablus. It was extended to the north of the old city gates in the late forties towards the end of the British mandate. It comprises the main city square and the main shopping streets including the main spine extending from the Ottoman Bank building to the west of Ghernata street, to the municipality building in Faisal street passing through the Commercial street and Hitteen street west of Al-Hussain square as marked on Map No.15. Although this section describes the general architectural and urban design characteristics of the zone as a whole, the sample area selected is confined to the main spine and the main city square.

The steep topographical characteristics of Nablus, which is sandwiched between two mountains, forces the development to take an east-west direction. Although new housing expanded to higher levels of both mountains, the business centre expansion was confined to the more flat land in the centre. However the period during which this area was developed was characterised by an increase in population and economic activities and intensive urbanisation (Nablus Municipality Draft Plan, p. 42, 1990).

Development pattern: The architecture of this area is a mix of contemporary stone low rise buildings (2-3 floors), mainly built in the late 1940s and 1950s, and modern concrete high rise (over 4 floors in height) built in the 1960s and early 1970s, but most of this area was developed before the occupation. A number of buildings located at the northern edge of the old city was originally built during the British Mandate period but have since been partially altered or replaced by more modern structures mainly during the 1950s.

A number of buildings constructed at the turn of the century and after the 1927 earthquake were built in this area such as Al-Watani hospital to the north of the main city square, the old municipality building, Al-Wakaleh building, the railway station and others. However, most of the area was developed between the 1940s and 1960s. It is possible to identify historically the period during which a certain building or street was developed. From interviews, questionnaires and observation it was evident that the development of the centre took place in two phases which is reflected in the style of architecture and urban design characteristics.

The most noticeable aspect of the 1950s architecture is that it did not depart from the architectural styles of the historic buildings in the old city in terms of scale, building material and use. The difference is expressed mainly in the level of detailed decorative elements and internal lay outs.

Except for buildings located at the southern border of the historic core, external facades became simpler in detail than those of the older buildings. The buildings were built from concrete walls with stone cladding and although the old mashrabiya and balconies in the old city disappeared, designers maintained stone clad balconies on first and second floors, with simpler lines and less decorative elements to those in the historic core. Arches, domes and vaults also disappeared in the newer buildings and decorative elements were replaced by linear bands above or under openings which took a more rectangular shape. However, some of these elements can still be found in some buildings in Ghernata street. Most buildings have flat roofs although few, close to the old city, were built with partially sloped and tiled roofs.

Windows had timber frames and traditional timber shutters, and floor finish maintained the decorative coloured terrazzo tile designs, with plaster and paint as the main wall and ceiling finish.

Buildings were constructed adjacent to each other and apart from the main square and a small square to the east, there was no special provision for open areas in the centre. However, there was plenty of green fields and landscaped areas immediately to the west of the square which was mainly agricultural land. The main city park is located, at few minutes walk to the west of the square.

Building uses in this zone remained in general similar to those in the old city with commercial activities on the ground floor and residential quarters and flats on the upper floors. Some of the flats were recently converted to offices and other uses. The expansion direction did, however, follow the last British Mandate 1946 plan (Nablus draft Master plan, para.4.2.6, p. 57, 1990).

New modern office buildings such as Al-Anabtawi and Al-Aloul were built on the main city square of concrete construction with render finish and aluminum windows.

Although the height of these buildings did not initially exceed six floors above ground, soon higher buildings were constructed. Generally this part of the city centre is still small in scale in spite of the few high rise buildings to the west and south of the square.

Internal finishes began to change, although the main floor finish remained as locally manufactured terrazzo tiles, plastic floor finish was introduced and so was the use of suspended ceiling tiles and wall covering. The new buildings had retail facilities on the ground floor and office facilities on upper floors, and the provision of residential floors started to disappear.

After the partition of Palestine in 1948 and the unification of the West Bank and the Kingdom of Jordan in 1950, the city expansion was directed to the east, and a main Nablus-Amman route was developed. The three main Palestinian refugee camps in Nablus were established at the east side of the city alongside this route.

Main public buildings and facilities such as the municipality, the post office, the police station were also located on this route. This trend is also contributed to the fact that most of the land to the west of the main square was agricultural land and green fields whose owners were then reluctant to develop.

Development Control:

The planning institutional structure was based on the British Mandate three tier system which comprised central, district and local authorities which was maintained under Jordanian Law No. 79, 1966. Although mayor and council were democratically elected during that period, candidates came invariably from strong influential families and a land owner background rather than from technical and professional backgrounds. The number of qualified architects and engineers in the municipality was limited, as it was in other parts of the country.

Towards the late 1950s and early 1960s the political and technical structure of the council began to change. Mayor and council elections reflected political affiliations and parties, and young newly qualified architects and engineers began to join in the modernization process of the political and architectural aspects of the city. Many designers were influenced by the modern movement and their design reflected the new style.

Development controls were largely based on zoning and land use restrictions, height limits and setback requirements. Building and safety codes were generally derived from the British Mandate laws (Ibid).

1.1.3 ZONE (C):

General: This area is located to the west of the main city square and was developed on agricultural land. The pressure for growth and need for expansion together with the restrictive nature of the topography in Nablus influenced the municipality decision to draw up a detailed plan for this area in 1988 (ref. plot no.24012 & 24013 un-numbered municipality drawings). This followed a trend encouraged when an Israeli mayor and council took over Nablus municipality in 1980, (Chapt. VII, Sec 1, Hanbali, 1992, H. Arafat, Khayatt, & H. Touqan, 1993).

Development Pattern: Although few buildings were constructed in the 1970s and 1980s around the main square and east of the business centre, most of the expansion was directed to the west. Building activities however, slowed down considerably in the early 1980's when an Israeli council took charge of the municipality, (Chapt. VII, Sec.1). Although there was a considerable increase during the period of the last Palestinian council in 1986-87, building activities decreased dramatically between 1987 and 1992 at the height of Intifada (Table 3 & Chapt. VII, Item 1.4). All new buildings built in this zone were high rise ranging from seven to ten floors high. Although the height limit should not exceed six floors for this area, most owners have built higher regardless of the

condition of their building permit, such as No. 12, 13 14, &15 (Hanabli 1992 & Nabulsi 1993).

Concrete is the main construction material with either stone cladding or rendered finish and the architectural style of the new buildings follows the modern style predominant in the 1960s.

Development Control: The municipality had no mechanism to check the ability and the professional conduct of consultants and contractors (Chapter VI & VII below). The modest technical requirements for permits within the city boundaries meant that any junior draughtsman could produce work which complied with these requirements. With the absence of supervision requirements (ie. as is the case in Jordan, ref. Jordanian Engineers Association 1972 Law No (15) and amendments, 1991, and Engineers Offices and Companies Revised Regulation No (31), 1989), most owners and developers relied solely on simple drawings with little details to carry out their construction. The Engineering Association of the West Bank was also unable to supervise, implement or ensure compliance with Jordan Engineers' Association Laws, to which it was affiliated (M. Nabulsi, 1993).

Development was carried out without provision for amenities and landscape, although required by law, few pavements or paved entrances had been provided and the entrance to buildings was usually kept to the minimum size acceptable. Few commercial buildings were constructed in this centre prior to 1992, (Table 4). There was a noticeable increase of building permit applications for new buildings, following the initiation of the peace process, within the municipal boundaries according to municipality engineers in the planning department (Hanbali, 1992 & Qamhie, 1993). Due to the shortage of land available for development in the centre there was an increasing trend to expand towards the west to Rafidia's growing commercial centre.

Table (3)
Number of approved building permits applications between
1983-1992 based on Nablus municipality records 15.9.1992

Year	Authority	No of permits approved
1983	Israeli mayor	530
1984	Israeli mayor	325
1985	Israeli mayor	380
1986	Palestinian mayor	1303
1987	Palestinian mayor	4089
1988-1990	No mayor	436*
1991	No mayor	239
1992	No mayor	229**

* Applicants could not legally obtain permits without a municipal council, therefore, engineers issued receipts for payments of permit fees instead of an official permit approval after they were satisfied that the applicant complied with the legal requirements.

** This figure represents the number of applications approved until 15.9.1992.

Table (4)
Construction trends 1983-1992

Year	Type construction	No of permits
1983-1990	unavailable	_____
1991	Housing	233
	Industrial	5
	Commercial	1
1992	Housing	223
	Industrial	4
	Commercial	2

(Tables 1 & 2: S. Touqan 1994, source: municipality records, 1992).

1.2 Activities and Building Use :

1.2.1 ZONE (A):

Until the 19th century and the early 20th century, the old town represented the whole city of Nablus as an independent self-contained entity with all the required public institutions, religious, administrative, educational, commercial, industrial, health and recreational facilities. Nowadays, the old city still has this mix although many of the old uses and crafts have disappeared or have lost their importance. Nabulsis and Palestinians from Nablus district and from other towns continued to visit the old city to buy soap, sweets, handmade leather goods and other similar light industries and handicrafts²³. The political and security problems particularly during the Intifada affected many of these functions.

a- Residential: As is the case with many old cities, most of the original dwellers moved out to the new and more modern part of the city. Lack of modern facilities in the house, difficult transport and parking facilities, and general lack of interest in the conservation and reuse of the old buildings, contributed to the migration from the old to the new part of the city (Nablus Plan, 1990). Consequently, the physical condition of buildings and spaces, continued to deteriorate, as rent became substantially cheaper in the old quarters relative to the rest of the city. This encouraged low income groups to move in and replace the original wealthy residents.

As is common in many similar cases the rent controls discouraged owners from improving or upgrading their buildings which have also contributed to neglect of old buildings. Thus, the increasing need for maintenance and upgrading of buildings, continuous neglect from owners, and poverty of present dwellers, resulted in worsening conditions in the old city and less attraction to investors.

²³ Refer to maps 4.13, 4.20, 4.25, 4.23, & 4.34, showing buildings and spaces, Qamhiyeh, 1992.

Many large houses (old palaces) were left empty for more than thirty years although some were partially occupied by either tenants or squatters. Most other residential buildings comprised small flats on top of shops, or a complex of apartments on different levels. At the time this survey was conducted, many of these apartments were empty and derelict, some were occupied by poor migrants from villages and squatters whose houses had been sealed or demolished by the Israelis, (Quest. Nos 29, 50 & 54).

b- Commercial/ industrial:

Almost all commercial activities are mainly concentrated in the, covered and uncovered, commercial markets "bazaars"²⁴, located at the ground floor, or lowest level of the street in the residential quarters such is the case in Al Nassr street. These include, small shops which are mainly food outlets, larger shops for cloths and household retail, small workshops and handicraft shops, and traditional soap factories ²⁵.

Many shops and workshops have gone out of business over the years, the old established family businesses were closing down and were replaced by modern and new shops selling mainly plastic and household products as can be seen in Al-Nasser street. Other commercial streets in the historic core such as Khan Al Tujjar, were selling cloths, shoes and small electronic goods.

²⁴ Industries in the old town were described by John Mills in 1860 during a visit to Nablus, thus: " Besides the bazaars, the streets are enlivened by workshops. These are like recesses in the walls, and open to the streets, and as you pass along from street to street you may observe the handicraftsmen of town at work. These consist of silversmiths, weavers, shoemakers and all other kinds of artisans necessary to the well being of a community" (Mills, 1864, p.89).

²⁵ Hand made olive oil soap is a traditional industry in Nablus, most of the factories have closed down or were converted to other commercial or industrial activities. Out of the original 26 factories, only three remained operational in 1994 and another three were partially opened.

The change in business activities can be related to many factors mainly;

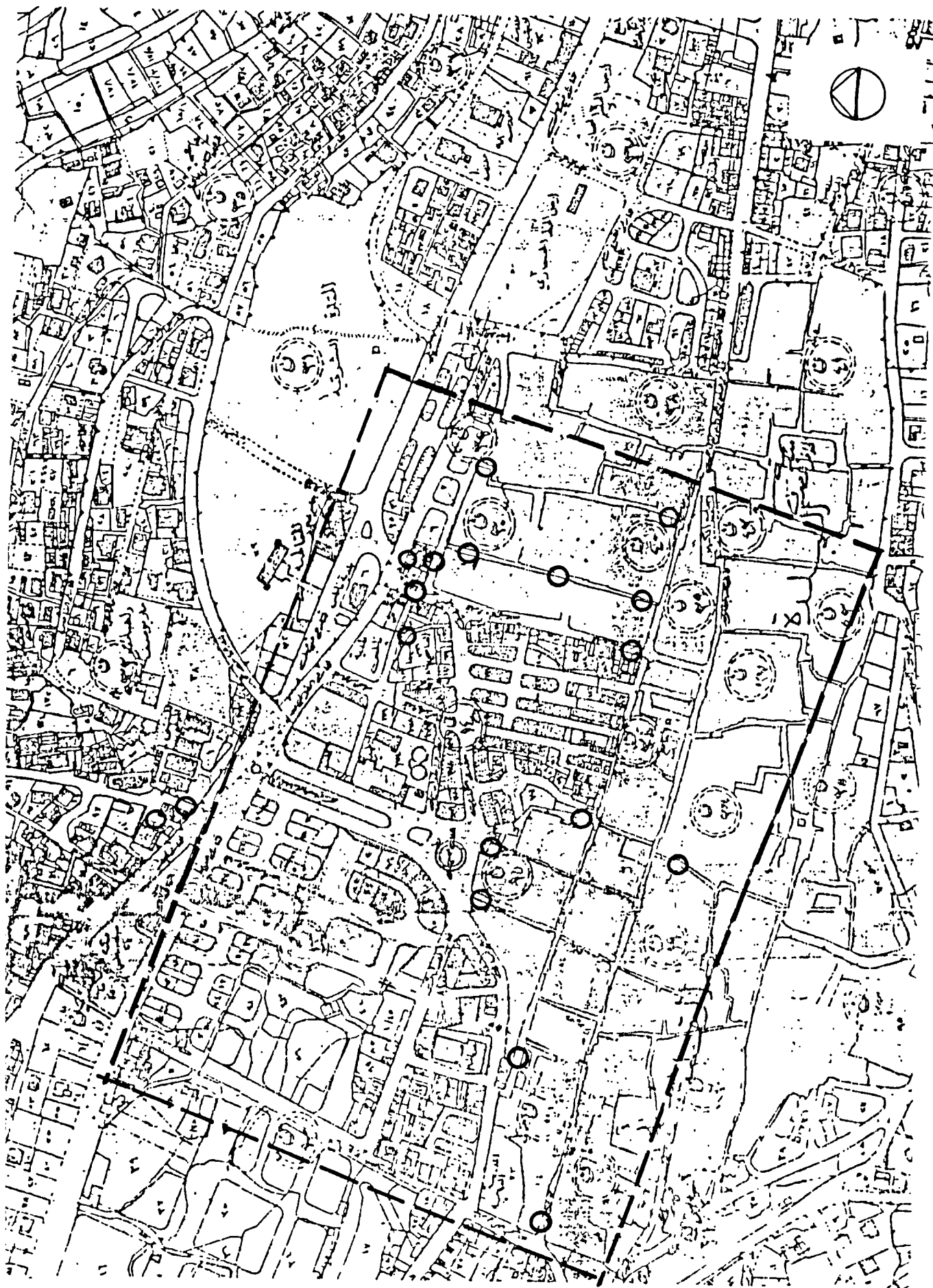
1. Political: The Intense fighting in the old city especially during the Intifada, forced many businesses to close and move out. Many shops were also forced to close down by the Israeli authorities as a form of collective punishment for the owners, members of the families or friends (Al-Haq records, 1993). The Israeli authorities also devised methods to control access to the old core from the rest of the city by introducing security "gates" at all entrances to the city, as can be seen on Map No 7.

The gates remained closed for many months during the Intifada, although some were partially opened when curfews were lifted, others remained completely closed for many years. Following progress in the peace process, some gates that sealed off the old city from the north were removed but the main metal gate at the top of Hitteen street was still closed when the survey was completed in July 1993. This practice had a detrimental effect on circulation in the old city and in effect social and economic activities, (Plate No.s 39-42, Chapt VIII, Sect.1, Table 17 & 18). The gates marked on Map 7 show those remaining at the time of the survey, and were still restricting movement and aggravating traffic problems, (ibid).

2. Financial:

Taxation policies: Many business were also forced to close by the Israeli authorities for tax reasons, either directly for failure to pay the high taxes imposed by the Israelis (Chapter VI, Section 2, Stephen, 1990, Al-Haq affidavits 1989-1991) or indirectly by forcing business owners to close down or move out to avoid paying tax (B'Tselem, 1990/1991, p. 161-167). Many street vendors in the main city square, carried their goods away from their shops in the old city and only used their shops to store their goods, (Tables 17-18).

Loss of customers: The intense fighting in the old city and frequent curfews discouraged a lot of customers from shopping in the old city. Residents preferred to shop in



Security Gates



Map (7)

the main city square, where it was easier to run home when fighting erupted. This forced many small businesses to close and encouraged others to move to the main square as street vendors (physical survey, interviews 1993). The situation was aggravated by the introduction of the security gates to seal off the old city.

Security siege: The Israeli decision to seal-off the West Bank from Jerusalem and from Israeli areas, following various security incidents, resulted in the loss of business in small shops, which were already under a lot of financial pressure. The closure of the occupied territories had severe adverse implications on the Palestinian economy as a whole (UNCTAD, TD/B/40 (1)/ 8, p.7, September 1993, Jordanian foreign ministry: department of Palestinian affairs report, April 1993, B'Tselem, 1993, PHRIC, 1993, Saed S., 1993 & Al-Quds, p.2, 12.5.1993).

Modernization: Like many old cities in the Middle East, many small shops and workshops went out of business as a result of; loss of interest in their products, change of fashion, industrialization, albeit at a modest scale, mass produced cheap products such as clothing, plastic and household products.

c- Commercial/Public Buildings:

Public Baths (Hammams) :

The public bath (Hammam) used to be one of the main features of the historic core. Out of eight baths that used to operate in the old city, only one was restored and reopened in 1993 (quest. No 25). Some of the other baths remained empty, derelict, and in need of urgent repair, while others were converted to factories. The change of use was carried out without permission from the local council, professional guidance, or adherence to health and safety requirements. (Kalbouneh 1992, Qamhieh, 1993 & Abdul-Haq 1993)

Hotels and Restaurants:

There is a limited number of hotels in the old town, as

many had disappeared as result of 1927 earthquake or lack of maintenance. The high standard hotels "Wakaleh" were found near main bazzars and town gates. Most of these have been converted to other uses, as was seen in Khan Hindeyeh in Sahat Al Manarah, which was converted in 1993 to a shoe factory (Quest. No 32 and Plate No. 31).

Coffee houses had an important social function in the old city as meeting and eating places, most of which have closed down. Although some were still operational, customers stayed away as a result of the continued fighting and curfews (A.Kalbouneh, 1993). Most of the food outlets and eating places are small scale cafeterias, sweet shops and sandwich bars. A number of these went out of business during the Intifada, although some started to reopen after 1992, (Quest. No.56).

d- Public Buildings:

Religious :

Religious buildings in the old city are mainly mosques and Islamic shrines, there are 12 mosques most of which were well maintained and in very good physical condition, and nine shrines. There is one Greek Orthodox church, one Protestant Church and one Samaritan Synagogue.

Educational :

Education was carried out in mosques or in schools linked to religious institutions which was traditional in Islamic cities. There were at least four such religious schools in Nablus built in the 13th century and continued to be used until the 14-15th centuries, (Qamhieh 1992). The buildings remained in the old town although most of these schools had ceased to function for many years.

Jail House:

The jail house (prison) used until the end of the British Mandate, is located in at the east end of Al Nassr street, was converted to a sweet factory, (Plate No.11). The building was in a bad state of decay and the conversion was carried out illegally and without any technical or

professional guidance. The exposed tangled electrical wiring seemed dangerous and there was no provision for fire escape or health and environmental protection.

e-Public Spaces:

Most of the open spaces, gardens and parks had either been built up or were neglected and became rubbish tips over the years. The remaining small green areas are badly maintained such as Bustan Hinno and Bustan Ja'jaa. In spite of the efforts of the last council, which included renovation of Khan Al-Tujjar, restoration of the Sebeels (water drinking fountains) and general cleaning up of the old city, the positive results of their work disappeared after six years of fighting and troubles in the old city.

1.2.2 ZONE (B):

This zone acts as the main business district of Nablus and is the busiest and most dynamic part of the city. It was also the scene of the worst battles and fighting between the Israeli army and the Palestinian resistance fighters. The Israeli army check point was located at the top of the roof of the highest building in the main square until 1994. The area comprised most of the office and retail spaces and used to accommodate most of the entertainment activities of Nablus. It also incorporated the public and administrative buildings such as the municipality, the post office, Israeli local civilian administration offices, the fire brigade, Al- Watani hospital, the Shari'a court and others. The main public transport facilities (Buses and collective taxis) were also "illegally" located in the main square.

The availability of commercial and public facilities mix in this area attracted residents from various parts of the city and the district. They were also encouraged by its central location and the relative ease of access and "exit" compared to other parts of the centre which also encouraged street vendors. This phenomenon exasperated the traffic congestion problem in this area which was the worst in Nablus, (Table 25). With absence of any parking

facilities in any of its streets or the main square, the illegal parking of buses and taxis, traffic problems were very severe, (Table 26). This was reflected in the results of the questionnaire survey as most respondents in this area complained of the traffic problem, (Appendix A Table 27 & Plate No.s 2, 20 & 26). The following are the main activities in this area :

a- Residential :

Traditionally, buildings in many of the streets in this area, particularly, Ghernata, Palestine and Hitteen streets were designed as a commercial/residential mix (residences were flats on upper floors). Many of the residents moved out, and their flats were converted to offices, surgeries, and workshops. The changing trend was due to a combination of factors including the intensive fighting and security problems in the centre, the changing uses in new buildings and increase in commercial activities over the years and subsequent traffic generation. The presence of street vendors and subsequent hygiene and pollution problems was also a main factor for the move as the survey results show (App. A, Tables 27, 28 & 29). Pollution and hygiene conditions were also contributing factors that forced residents to move out of this zone (ibid).

b- Commercial (Retail and Offices) :

There were very few industrial buildings in this zone, apart from the soap factory on the main square and some workshops. Upper floors in buildings were used as warehouses as well as workshops for dress-makers and other light manufacturing industries. The soap factory was the only one to be built outside the old city and was fully operational in 1994. High taxation, restrictions imposed on the import of raw material and level of export to Jordan and the Gulf (traditional customers), forced others to close down, (A. Nabulsi, 1993).

As a result of the political and economic difficulties during the occupation, retail facilities experienced a decline as sharply as those in the old city. Rent controls,

high key money and increase in the rent values of new buildings discouraged tenants from moving and therefore, very few shops changed tenants before 1992.

This situation changed rapidly following the Peace Accord as businessmen became anxious to move into the centre before rent increased and therefore paid high key money to previous tenants. It was observed that not all the new rented property was used as some tenants took over to reserve it for future use ²⁶.

In Ghernata street, spaces in newly renovated buildings were let before renovation was completed as many businessmen wanted to reserve the space before the expected escalation in building cost and rent value (A.Touqan, 1993). Most of the retail space was used for fashion and cloths, leather and shoe shops, jeweller shops, household goods and food outlets.

There was an increasing number of pharmacies and service shops. As a result of security problems and frequent curfews, there was a severe shortage in the number of coffee shops and restaurants open to business, particularly during the Intifada.

Upper floors in low and high rise were occupied by offices, medical and dental surgeries. High rise buildings were also occupied by private education institutions such as computer centres, typing, secretarial and technical schools.

Many shops and offices, however were closed for long periods due to the security problems. This was more evident in units located on the upper floors. Some of these, particularly those located on the main square, were

²⁶ A street vendor located in the Commercial street, the busiest street in Nablus, is reported to have paid JD 80,000 in key money to take over the rented space from a well established pharmacy. Until the end of this survey, he was still using the pavement for his merchandise and used the new shop for storage.

completely abandoned for many years (quest. No.1, 6, 30, 36, 47 & 60). In spite of the modest improvement in the economic conditions after 1992, a number of buildings remained under-used especially to the west of the centre in Ghernata street and Palestine street and were in urgent need of repairs and refurbishment.

Banks that were located in this area before 1967 were closed by the Israeli authorities immediately after the occupation (Chapter VI, Section 2). In 1987, Amman-Cairo bank was allowed to reopen under strict conditions and under the control of Israeli banks. A new license was given to the Bank of Jordan to open in Nablus and other Palestinian cities during the study period, (Observation and interviews, 1993).

Hitteen street, to the east, always provided the link between the business district and the north to the east part of the city, to the institutional buildings in Faisal street, to Askar and Balata refugee camps and the industrial zone. It also linked with main Nablus-Jerusalem road. The street was cut off from these areas after the introduction of a metal gate with barrels (see photo) during the intifada. This hindered the circulation and deprived the residents from an important connection and business owners from customers (quest. Nos. 22 & 41).

c- Commercial/Public buildings:

(including recreational and tourist facilities)

Zone "B" also represented the recreational centre of the city since the early fifties, all four cinemas were located in the main thoroughfare (the sample area of this zone). Al-Assi and Assi Studio cinemas were located off the commercial street and were built in 1953, Ghernata cinema opened in 1954 and Rivoli cinema, opened shortly after, were both in Ghernata street (Assi, Shakka', 1993).

Many coffee houses and cafeterias were established along this route to cater for the cinema customers. This location is also close to the main public library and Nablus main

public park (Muntazah Abdul Nasser). Palestine hotel, the best hotel in Nablus until it closed down in the 1980s, was also located in Ghernata street.

According to residents particularly those living or working in these streets, the area was always lively and buzzing with activities until late evenings (Ibid). All the cinemas were closed during the Intifada, and three of the four were severely damaged as a result of intense fighting and fires. Rivoli cinema was abandoned for years with clear signs of severe war-damage such as broken glass, twisted metal, burnt walls and doors, (Observation, physical survey, video and Plates No.s 45-47).

An inspection of Ghernata cinema was carried out and it was evident that it was in a serious physical condition. It suffered from broken glass, severe dampness, broken sanitary facilities, damaged ceiling tiles and chairs, and at the time the survey was carried out it was used as a warehouse. Al-Assi cinema, the oldest in Nablus, was badly damaged and closed down before the intifada, however, its owner, encouraged by the progress in peace negotiations carried out major improvements and renovation works for both Al-Assi cinema and the Studio. According to its owner, few weeks after it reopened, it was partially burnt down by Palestinian extremist (Assi, 1993).

Many coffee houses, pastry/sweet shops ²⁷, and restaurants, which used to open until midnight, closed down and had been out of business for many years. It was noted, few of these started to re-open in 1993.

d- Public Buildings and Institutions:

There was little publicly owned land in Nablus, particularly in the centre. According to municipality records only 17.7% of land is owned publicly but mainly as Miri land and Waqf, the municipality owned less than 3% of

²⁷ Nablus is known for its sweets for generations which attracts customers from all over Palestine.

the land in Nablus, and probably less in the central area (Nablus Plan, 1990).

Almost all public buildings and institutions were located in this part of the centre. The Israeli Civilian Administration which included the Traffic Department, the Department of Public Works and Housing, and the Police Station were located in Faisal Street to the north of the main city square. The Municipality and the Post Office were also located in this street, so was the Land Registry Office, staffed and guarded by Israeli officials and military. Other main public buildings such as the Chamber of Commerce, the Fire Brigade Al Watani hospital, the offices of the Red Cross were located either on the main square or very close to it. The main northern cemetery, The United Nations offices of UNRWA were also close to the main square.

Apart from the Israeli Civilian Administration offices, virtually no public buildings or administrative offices were built after 1967. In 1987, the municipality obtained a building permit from the Israeli Planning Council in Bit Eil to build a new fire brigade station in Eibal mountain to the north of the centre and construction commenced in 1993.

1.2.3 ZONE (C):

Most of the buildings in this zone were privately developed and were built for mixed use of retail, office and residential spaces for rent. However, the majority of the new spaces were allocated for office use which was in demand all over the occupied territories after 1992. According to one owner/developer, the lack of available space forced business owners to share rented space in spite of the relative increase in rent value from other parts of the city (Kalbounah, 1993).

It was noted during observation of building and construction activities that only few buildings were constructed in this zone during the previous ten years.

The municipality records showed three approved building applications for commercial projects in Nablus between 1990 and 1992. As there were no records available for the years before (Hindiye, 1992, Table 4), the author had to rely on own observation and residents accounts and recollections with regard to construction dates.

It was also evident that little construction took place during the Intifada between 1988 and 1992, (Table 3). Therefore new buildings were assumed to have been built in the early to mid eighties. Some of the construction which started before 1987, was completed after 1992. According to tenants, although buildings such as Al-Shunnar were completed six years ago, most offices and shops remained unoccupied until 1992 (Abdul Hadi, 1993).

Observations and interviews indicate that a great deal of the new construction involved expanding existing buildings and adding extra floors, albeit illegally (Hanbali, 1992, H.Arafat, M.Nabulsi & Qamhieh, 1993). Absence of legislative authority, high land prices and increased demand for office and retail space, and the subsequent increase in rents were given as the main reasons for such practices, (ibid).

Many engineers and officials stated that a great deal of violations to building codes and construction on green fields took place during the period when the Israeli appointed council took over (Hanbali 1992, R. Abdul Hadi, H. Arafat, Dweak, Hashem, Jarayseh, M. Nabulsi & H. Touqan 1993). While the HPC was rejecting applications to build outside municipal boundaries, the local Israeli council was not concerned about adherence to regulations and environmental protection within the city boundaries although it had all the powers and might to enforce them, (Chapt. VI, Sec. 1, & Chapt. VII Sect. 1).

a- Residential:

The available residential space in the new buildings was of higher quality than that in adjacent areas such as

Palestine street. Most of residential space available was part of a mixed commercial/residential development. However since a lot of office buildings were still under construction it was difficult to make an assessment of the overall quality in this small sample.

b- Commercial:

Most building use in this zone, in both new and medium age structures, was commercial. Although there was a lot of service office space available such as lawyers, engineers, doctors and dentists, most of the rented office space was for newly established businesses and companies. This was confirmed by the increased number of applicants for the membership of the newly elected Chamber of Commerce in Nablus which recorded a steady increase in its membership since 1991 (Hashem, 1993).

Table (5)
Chamber of Commerce Subscription

Year	No. of members
1991	1200
1992	2000
1993	2500

(S. Touqan, source: Nablus, Chamber of Commerce, 1993)

c- Commercial/Public Buildings:

There was none available in this zone at the time the survey was carried out.

d- Public Buildings/Institutions:

No public buildings were observed in this zone during the survey.

1.3 Changing Development Trends

It was difficult to evaluate the changing trends in construction and design practices in the OPT except in the context of the political conditions that prevailed after 1967. Therefore it could be assumed as temporary in nature and as a result of all the political, legal and financial

conditions. This assumption is supported by the change in the type, size and speed of development and demand after the peace talks in 1992 and the relative relaxation of some restrictions on investment and development following the issue of Military Order No. 1342, 1991, concerning encouraging investment.

According to planners, officials, economists, investors and building users, the increasing demand for commercial space and shortage of land in the centre increased land values sharply and resulted in increasing rent values, and higher key money when rented space changed hand. Consequently, some owners were encouraged to demolish and reconstruct their buildings, expand and add floors to existing buildings without obtaining municipal approval to maximise their profit. Information obtained during these interviews was supported by observations and photographs taken during both surveys (Plate No.s 27-32).

1.3.1 ZONE (A):

1. Physical changes:

Israeli Practices: Continuous fighting and security problems were very severe in this area all through the occupation and particularly during the intifada, (Chapt. 1, Definitions & Chapt VIII, Sect 1 & 2). Al Qasabah district witnessed fierce battles which partially destroyed and damaged buildings. In addition to war damage, the worst result of the military conflict was the collective punishment imposed on building owners and tenants, their families and neighbours. Consequently a number of historic buildings was demolished, partially or completely. A number of houses and shops were sealed, for the same reason, for many years and consequently deteriorated (Chapt VIII, Sect 1, item 1.1 & Tables 17-18).

Local Practices: It was noted that an increasing number of owners in the old city zone were demolishing their old stone historic buildings and erecting concrete structures in their place for commercial use. The municipality architects stated that this was carried out without their

approval and contrary to existing building regulations. Although some of the buildings demolished were in a bad state of decay, there was no available mechanism to assess whether these were structurally sound. Owners usually carried out the demolition without notifying the municipality planning department (Qamhieh, 1993).

During informal discussions with residents and building users in the old city, it was evident that although most of them expressed pride in the historical value of the city and the need to preserve it, many also complained of economic hardship, poor services and physical conditions and the need for modernisation (Quest Nos. 20, 29 & 55).

Although a high proportion of respondents were concerned about the lack of restoration and protection of the historic buildings only one third considered it serious, (App. A, P 463).

In addition to all other factors which encouraged owners to demolish their property, the lack of clear plans for the future of the historic core, also encouraged the owners to implement their own plans, according to what they believed would improve the physical condition of their property and consequently its economic viability.

The new construction work, whether it was complete reconstruction or additions and extensions to existing structures, was carried out without any attention to its suitability to the existing historic buildings and the urban fabric of the city, in terms of scale, style, building materials, finishes or details. As most of the work was built without any professionals involved, and without the approval of the council, there is fear that it was not only structurally unsafe, but it may also cause further damage to existing structures and adjacent buildings, (plate No 27-30).

New floors were adding more load to existing buildings, new openings and roofs were built without damp and water

prevention measures which was exasperating the dampness problems, causing corrosion to metal work and rot in existing timber structures. Physical survey results and residents response to questionnaires confirmed a severe problem of dampness in the historic core (App.A, Tables 20-22 & App. B)

2. Change in Building Use :

Many houses, flats and old palaces were empty and abandoned in the old city for various political, legal and financial factors, described in detail above. However, the housing shortage, the restrictions on new development and shortage of land, did not encourage original owners or partners to move back to their own rent free property. The last thirty years witnessed a decline in the population and the "gettoisation" of its residents, as only very poor families desperate for shelter remained in, or moved to, the old city and accepted the deteriorating physical condition and services²⁸. Therefore, the old city residents became associated with low or no income groups.

Many old industrial and public buildings such as soap factories, hotels, public baths and others were converted to light industrial use not all of it clean or safe (Ref. quest. Nos. 8, 32 & 53). Services were connected sometimes illegally and without technical expertise, and did not follow the minimum safety and health codes.

Fire regulations were non existent as far as the building law was concerned, and although the director of the fire brigade expressed his concern over the dangerous conditions in some of these buildings, he had no executive powers to prevent people from using unsafe buildings for potentially dangerous and polluting uses (Al Jabi, Qamhieh, 1993)

²⁸ Arafat House was one of the few houses in the historic core which was regularly maintained and professionally preserved. The old multi level house also includes courtyards and landscaped areas, two apartments and an abandoned soap factory. The owners continued to occupy the house and refused to move out of the their house in spite of the social pressure, (Saba Arafat, 1993).

The exodus of shopkeepers from the old city to work as street vendors in the city centre is described in detail above. Consequently, there were many empty and closed shops in what used to be a highly active and often busy street, (Table 27). This was exasperated by the number of properties sealed off by the Israeli army for security or tax reasons or as a form of collective punishment (Plate 43-44, Chapt. VIII, Sect 1, item 1.1 & 1.3).

However, major renovation work was carried out by the owners of Al-Jidedeh public bath in Al-Nassr street which was let and reopened for the public in the summer of 1993 (quest. No. 25). The work was carried out in consultation with the municipality and some conservation advisors at Al Najah university. Although the quality of restoration work and workmanship could have been better, the owners considered that this pilot project could encourage other owners to do the same.

Some owners of large houses (Palaces), which had been empty and dilapidating for many years, were considering restoring their buildings. These palaces usually comprise a building complex with a number of multi purpose units such as stables, shops and sometimes public baths and/or small soap factories on the ground floor, residential quarters on upper floors have large rooms and spacious courtyards and internal gardens.

Accepting the fact that it may not be practical to reuse these buildings as residences, owners were discussing the possibility of converting such property to cultural centres, hotels or public libraries (S. Nimr, & H. Touqan, 1993).

The conversion of an old soap factory in Al-Khader street to small shopping outlets on the ground floor and a coffee house on the first floor worked well in terms of its new arrangement, although the renovation and construction work was of poor quality (Quest No. 53).

1.3.2 ZONE (B):

1. Physical changes:

There was a great demand for office space and service retail facilities in Nablus, and also for the provision of parking facilities within new buildings which all need an approval of the HPC under the occupation. Some owners already prepared plans for redevelopment of their land and property and were waiting for a political settlement before they could go ahead (quest. Nos.2, 3, 7, 58 & 59).

Apart from severe war damage to buildings and some urban spaces, especially around the main square, very little had changed in this part of the centre. Although some owners started to explore the possibilities of redeveloping their land and reconstructing or upgrading their property, only four buildings in this zone have been either redeveloped or were under construction at the time of the survey in 1993.

Land and property values in this zone were the highest in Nablus mainly around the main square, Ghernata street, and the commercial street. Record rents and key money were paid for small units in the above areas in 1993. At the time both surveys were conducted (1992 & 1993), owners of buildings had talked about future prospects for their property and their plans for expansion and reconstruction. Main obstacles often mentioned were uncertainty of the future of the territories, planning restrictions, rent control and ownership status. However, some carried out limited additions and upgrading of their buildings after agreeing the terms with their tenants, and without changing the use of the building. This was confined to small scale residential and commercial buildings.

Four buildings inspected in this area were upgraded or expanded, or were undergoing some construction in 1992. Two of these buildings were in the Commercial street and had shops on the ground floor and the newly opened banks occupying the upper floors. The other two were located in

Ghernata street also with shops on the ground floor and offices and surgeries on upper floors. All the renovation work and the additional construction were carried out by owners with municipal "building permit". The additional floors were built of concrete and facing stone, and it was evident that an effort was made to produce simple design which was sympathetic with the general architecture of this area.

Construction of the completed buildings in Ghernata street was of medium quality with poor waterproofing details, as tenants already complained of dampness and water penetration problems. (App. A, Tables 20-22, App. B, p. 506-509 & Quest. Nos. 45 & 46). There were also examples of tenants carrying out major construction works without the approval of owners or building extension permit. Work carried out 1992 already showed serious problems of leakage, water penetration and deteriorating building elements and finishes, (Quest. No.16).

2. Change in Building use :

Not a great deal of changes were observed in the use of buildings in this area. Most owners of buildings on the square and in Ghernata and the Commercial streets, discussed their future plans for their property, which would include major redevelopment and increased space capacity. Most were reluctant or unable to take any practical steps as they were awaiting for major obstacles to be resolved including:

- the final outcome of the peace negotiations which would resolve the ownership issue as most of the properties belonged to the second generation of families, not all in position of residency permits.
- changes in the rent control law and implementation of the Jordanian revised law as a minimum guarantee to improving owners rights.
- the election of a local council and expected dismantling of the Israeli Civil Administration and the end of its control on development which was still unresolved during the survey.

Owners of the soap factory on the main square and of its the adjacent shops in Commercial street and Qarraen street (quest 58) and Ghernata cinemas complex (quest. 3 Shakaa, 1993), stated their intentions to carry out major redevelopment commercial projects to replace their buildings. Their ability to carry out their plans depended on the results of these negotiations or the implementation of the new rent laws.

1.3.3 ZONE (C):

1. Physical Changes:

During the survey in 1993, a lot of construction was taking place in Nablus city. Due to the limited amount of land available for development in the centre with other complex issues such as ownership and planning laws, most of the construction was carried out in the suburbs to the east and west of the centre.

During the survey it was noted that one site in Zone "C" was excavated and another's foundation was already under construction, both were planned for commercial development. Others, according to residents of the area were scheduled for construction within the next year and also as commercial developments. Three to four large plots were empty and used as rubbish tips. According to some interviewees, their owners were not allowed to live in the OPT and therefore their land could not be developed (Chapter VI, Section 1).

Unfortunately, in view of the legal difficulties, discussed at length in other parts of this study, most of the construction was of poor quality, (Chapt VI sect 1 & 2, Chapt.VII). Additionally, developers were not allowing any space for landscape and amenities and many extended their buildings, illegally, outside the limit of their plot, thus reducing the area required for pavements and setbacks (Hanbali 1992, M.Nabulsi, 1993).

There were no defined streets or pavements in this area, and many empty sites had been turned into rubbish tips.

There was very few public land in this area and almost no provision of amenities such as open spaces and landscape or any parking provision

2. Change in Building Use:

In line with the rest of buildings in this zone, the commercial development was mainly retail and office space with limited space for residential uses. There was a considerable number of old dilapidated buildings at the edge of this zone (Plate No.13, facing Palestine street).

The rush for development, increased land prices and rent values are normally associated with economic "boom" conditions all over the world, and during which certain problems associated with development trends and practices arise. However, in the case of Palestinian towns this was exasperated and aggravated by the special circumstances under which this development took place.

SECTION 2: Analysis of the Physical Condition and characteristics of Buildings, urban spaces and amenities in the city centre

2.1 Scope and summary of the buildings' survey:

The physical survey of buildings was carried out to assess the condition of various building elements and components. The investigation was limited to visual inspection to determine the state of surfaces of walls, ceilings and roofs, condition and fitness of openings and balconies and the general appearance of finishes.

Although the examination aimed to determine the level of maintenance and state of repair of the buildings, it was focused on problems that showed evidence of deterioration over time and which was likely to continue to deteriorate if no immediate action was taken. It also concerned decaying elements that needed repair and could cause problems in other elements if repair was not carried out.

This included evidence of water penetration through openings which caused dampness in walls and roofs, rust in metal elements and timber rot. To examine the extent and causes of the serious problems in the three sample areas, twelve buildings were subject to a more thorough investigation by the author, (Chapt. III, Sect.4, items 4.2.2 & 4.3.4).

As mentioned earlier, the survey did not include an examination of the structural stability of buildings, although cracks, fragility of certain roofs and balcony structures were recorded. The results of the survey were based on visual inspection taking into consideration the views of building owners and users. Details of the results are included in Appendix "A" and tables 20-37. The physical inspection detailed results and evaluation of indicators of physical problems by the author are included in Appendix "B" and are summarised in Tables 38-42.

Summary results:

A summary of the physical survey findings, (questionnaire Part B & detailed inspection) is presented below. The detailed results are included in Appendix "A" and "B" and Tables 20-42. This summary highlights the serious problems recorded in the majority of buildings in the three zones and considered to have provided indicators for the deterioration in these buildings. The selection and evaluation of indicators for the deterioration was based on the criteria described in Chapter III above, (Sect. 3, items 3.6 & 3.8).

2.1.1. ZONE (A):

Externally: Stone walls, suffered from erosion, spalling and discolouring. There was also evidence of bulging cracking and settlement. Mould and plant growth was damaging the wall surface and mortar. Cracked and damaged mortar was extensive and new application was inappropriate technically and visually. There was a general failure of render and cladding due to severe dampness, staining and rot in timber elements.

Windows and doors were incorrectly fixed and showed sign of rot in timber elements and rust in metal elements. Balconies and cantilevered structures were overloaded, incorrectly fixed and generally unsafe.

Roofs had no waterproofing and the traditional water proofing was damaged and badly maintained which caused severe water penetration and dampness problems, (Tables 21 & 22).

Internally: Walls and ceiling had evidence of condensation, severe dampness, stains, general failure of finishes. Floors had damaged or cracked finishes, overloading and water penetration through walls at lower levels.

Violations of building and safety codes and construction without permit , official or professional supervision was extensive in many parts of the old city particularly in the sample area, (Plate Nos.27-32). Incidents of illegal change of building use, illegal extensions and additional floors causing overloading and structural instability were also observed and recorded during the survey and corroborated with officials and users.

2.1.2. ZONE (B):

Externally: Stone was mainly used as cladding but was generally in fair condition. There was however, evidence of mortar damage. Concrete walls had evidence of severe erosion of surface, dampness, staining, and spalling. With the exception of stone cladding there was general failure of rendering and cladding in this zone.

Roofs are mainly flat in this zone and there was clear evidence that no water proofing was used for the roof finish. Moat buildings suffered from dampness in upper floors and staining of external walls.

Evidence of war damage is more evident in this zone particularly around the main city square. Broken glass, twisted metal and burnt walls are found in many buildings

in the centre. Other problems with openings include, incorrect fixing, rusty metal and rot in timber, although not as severe as the old city.

Internally: Walls and ceilings had evidence of condensation, dampness, staining and general failure of finishes. Stairs were extensively damaged in some buildings, lifts were out of order or have not been installed.

There were fewer incidents of building violations in this zone in comparison to Zone "A" & "C".

2.1.3 ZONE (C):

The main problem with the buildings inspected in this zone was the poor quality of construction. Although relatively new, the buildings showed severe signs of water penetration, dampness and deteriorating finishes.

Externally: Stone cladding was inadequately fixed, mortar joints were of bad quality and application. Most concrete walls had evidence of severe dampness, staining and in some buildings cracks.

Windows and doors were incorrectly fixed to openings with degraded finishes and stains. There was no evidence of any application of flashing, damp proofing, or rainwater goods.

Absence of damp proofing and leaking roofs caused water penetration and dampness in upper floors and staining in parapets and balconies.

Internally: There was clear evidence of severe dampness and failure of wall and ceiling finishes, condensation and cracks. Floors had damaged tiles and finishes, cracked and uneven surfaces. Stairs also had damaged finishes, broken steps and uneven surfaces.

Violations in this zone involved adding floors to existing buildings without permit, exceeding heights as

required by permit conditions, ignoring set-back requirements and not providing lifts for high rise buildings, (Hanbali, 1992, H.Arafat, M.Nabulsi & H. Touqan, 1993). Such serious violations posed serious safety conditions for buildings and users, increased the pressure on services and roads and aggravated environmental problems in the centre.

The main problems in the physical condition of buildings in the centre of Nablus, (according to authors inspection and users views), could be summarised as:

1- The majority of respondents in the three zones were dissatisfied with general condition of their buildings, access, utilities, pollution and hygiene conditions. Physical survey and observation also showed general lack of maintenance, pollution and hygiene problems.

2- The evidence of severe dampness and water penetration in floors, walls, roofs and cantilevered structure indicated a worsening condition which was spreading and endangering the stability of the structure, the health and safety of users and residents. This was confirmed by:

a- the vast majority complained of pollution, water penetration and dampness, (Tables 20-24).

b- the physical inspection of buildings also showed evidence of general lack of maintenance, severe dampness in walls and ceilings, water penetration due to roof leakage, burst pipes, incorrect fixing of doors and windows to openings.

3- The violation of building and safety codes were causing serious safety, health and environmental problems. The overloading of buildings by the construction of additional floors and extensions "illegal" was threatening structural stability of these buildings and the safety of users and residents, particularly in Zone "A" & "C" of the study area. This was also adding pressure on the already overloaded services and roads and exasperating the traffic and environmental conditions in the city.

2.2 Analysis of the physical condition and characteristics of urban spaces and amenities in the city centre

2.2.1 The main city square:

Al Hussain square is located at the lowest point in the valley between Jerzim and Eibal mountains and acts as the hinge connecting the old city with the expanding centre.

The level and variety of activities in and around it demonstrates the importance of its function from a planning and urban design point. This is due to its central location and accessibility from all parts of the city and outside, and its proximity to a variety of public and private services. Furthermore, it was the only open space available for the residents of Nablus and their visitors. The square acted as the main distributor for transport between Nablus and the rest of urban centres and villages in its district and also to other Palestinian districts, (Plate No 2, Map No 5).

In the absence of alternative distributors, and the restriction imposed on horizontal expansion of the city and on the development of sub-centres, it suffered most of the consequences of overcrowding, pollution and all urban decay problems in Nablus.

The extent of the damage and deterioration in the built environment in this part of the city was demonstrated by the peeling paint and dampness in concrete facades, smoke and graffiti marks on concrete and stone walls, broken glass and twisted metal and other signs of war damage and intensive fighting that took place around the square (Plate Nos 45-47). This was exasperated by the serious traffic congestion, presence of street vendors carts and merchandise displayed on pavements and walls around the square, and the subsequent hygiene and pollution problems (Plate Nos 22-26, App. "A", Tables 25-37).

The results of the questionnaire survey showed that most respondents were dissatisfied with the physical condition of their buildings and the level of maintenance in this

area. They also complained of parking and traffic problems, (Table 25 & 26) and the presence of street vendors, (Table 27). Pollution and hygiene problems were also a major concern to most respondents (Appendix A, Tables 28 & 29).

The square has traditionally provided a place where people meet socially, as well as reach other areas for shopping and business. Before the occupation, Nabulsi used the square as a public park when seating was available. Like many Mediterranean cities and villages, a lot of businesses and shopkeepers extended seating facilities in front of their units, the old soap factory used its wide pavement as an informal public place, where political figures, academics, and writers met to discuss and debate current issues as they also did in nearby coffee-houses.

During the occupation and particularly after 1987, it became the only public landscaped space available, albeit in a shabby condition, used for recreation and for public gatherings during festivals and special holidays, and later for political demonstrations and the scene of many military clashes.

The last Palestinian council made a considerable effort to improve and to upgrade the physical condition of the square to regenerate it. A lot of planting, soft and hard landscape was provided with fountains and new pavements, street lamps and monuments, (Plate No 2). Harsh conditions during the seven years of Intifada destroyed most of this work. Landscaped areas suffered from severity of fighting, fires and consequently lack of maintenance.

2.2.2 Landscape, amenities and open areas :

Apart from the landscape in Al-Hussain square which extended to King Hussain street, there were few landscaped areas in the centre of Nablus. A wide island in the middle of King Hussain street was lined with heavy planting and mature trees (Plate 38). After the Intifada,

the Israeli army uprooted these trees as they were considered a security risk (obstructed them from chasing Palestinian resistance fighters).

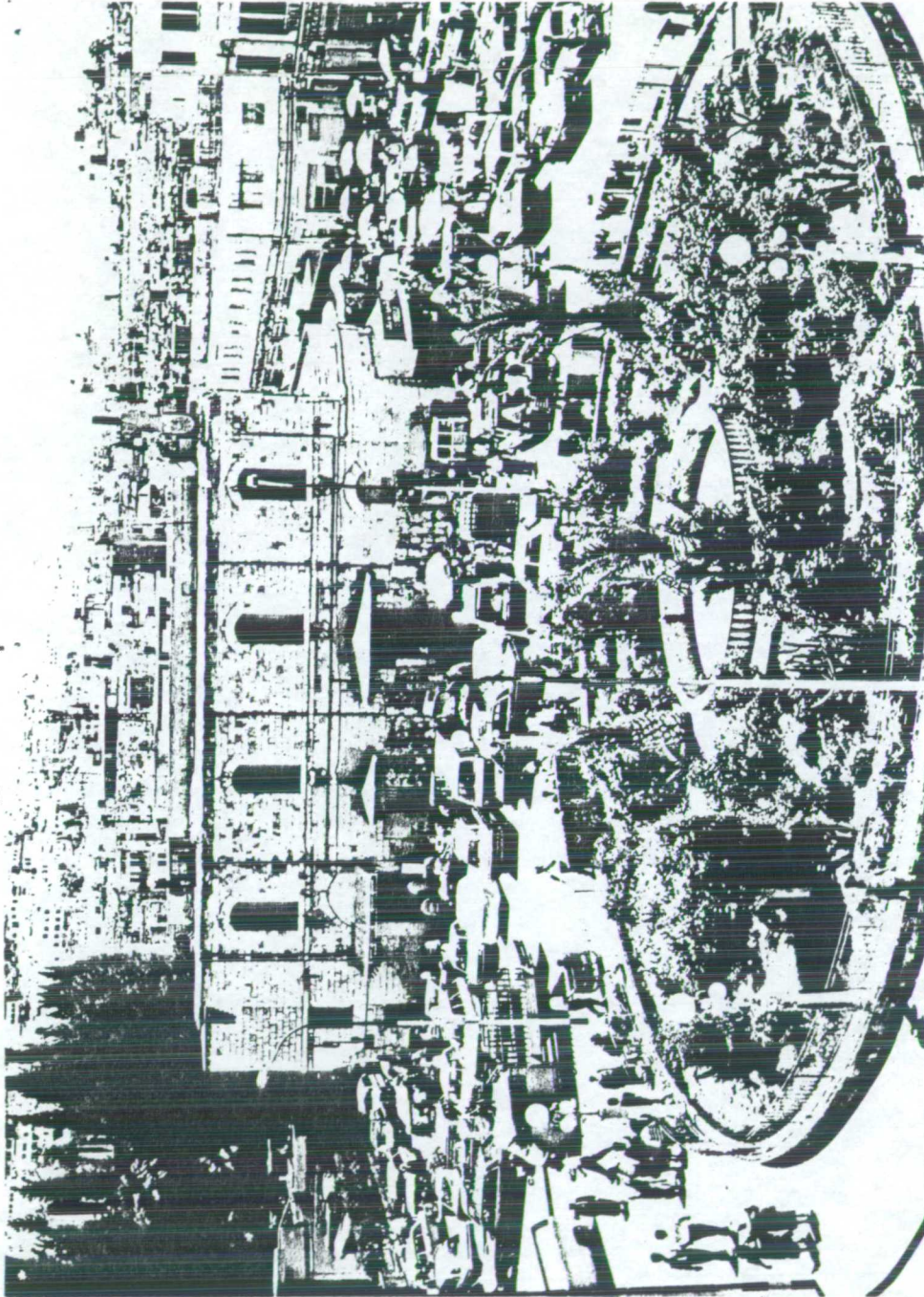
The last municipal council provided soft and hard landscape, alongside Faisal street and Jerusalem road, up to the eastern municipal boundary. It also provided landscape to the west of Faisal street alongside Haifa street and along Zawata road. The landscape work included planting, trees, paved areas, fountains, street lamps and monuments up to the same standard provided in the square (Nablus municipality annual report, April 1987).

The effect of the improvement, however, was still evident during the survey. The areas where pavements and landscaped areas were provided and upgraded in 1987 were still in better condition than other areas in Nablus and other Palestinian towns.

As mentioned above, there were few open public spaces in Nablus which were available for recreation and social activities. There was also a limited number of empty spaces that could be used in the future, mainly near the city square. Two of these spaces are archaeological sites which cannot be developed. The larger site to the north west of Al Hussain square attracted a lot of interest in recent years, of local architects and planners, as a potential public space (Map Nos 6 & 15,).

There were no seating facilities in any of the spaces inspected in the centre, nor rubbish bins, public telephones, or public toilet facilities.

Lack of amenities was considered a problem by a majority of respondents, particularly in Zone "C", (App. "A", Table 36).



**Nablus, Main City Square
July, 1993**

Plate (2)

2.2.3 Parks and Recreation facilities :

Immediately after the occupation, all public parks came under the jurisdiction of the Israeli public parks authority (Military order No.89, August, 1967). There were two public parks in Nablus. The main park was "Muntazah Gamal Abdul Nasser" to the west of the centre which was developed in the 1950s, and a smaller park to the east "King Faisal Garden". Both were closed for various periods under the occupation, and during the Intifada. In spite of years of neglect, Gamal Abdul Nasser park reopened in 1993. King Faisal park, severely damaged and dilapidated, was still closed at the time of the survey.

Although clubs and sport centres suffered from lack of maintenance and investment under the occupation, they continued to provide useful facilities for residents in Nablus, albeit irregular. All these facilities closed down after 1988, some sport clubs reopened in summer of 1993 although they were in bad need of maintenance.

During the physical survey, it was evident that none of the available cinemas in Nablus was working. These suffered from frequent curfews, area closures, near by military clashes, war damage and subsequently declining attendance, (Tables 17-18). All four cinemas closed down completely in 1988.

There were also no hotel facilities at the time the survey was carried out, although two floors for hotel accommodation, in a newly developed office building, were under construction in July 1993 (R. Abdul Hadi, 1993).

In conclusion, at the time the survey was completed, apart from the reopening of one park, and a football club, there was no recreation facilities in the centre of Nablus for at least the previous seven years. In spite of its historic core, including a number of religious and historic monuments and archaeological sites, there had been no tourist related activities in Nablus for the preceding ten years and only limited activities before.

Conclusion:

The physical survey of buildings and urban spaces in the centre of Nablus provided evidence of severe problems. The results of the social survey indicated that the majority of building users were dissatisfied with the condition of the building they occupy, the area where it is located and the city centre in general.

The study area covered three different zones, built at different periods. However, in spite of the difference in the degree of the severity of a certain problem, generally most buildings and spaces suffered from the same problems, (Tables 20-37, App. "A"). In general, the problems that are considered, were those which were creating health and safety hazards to people, and structural instability and further physical problems to buildings, (App. "A" & "B").

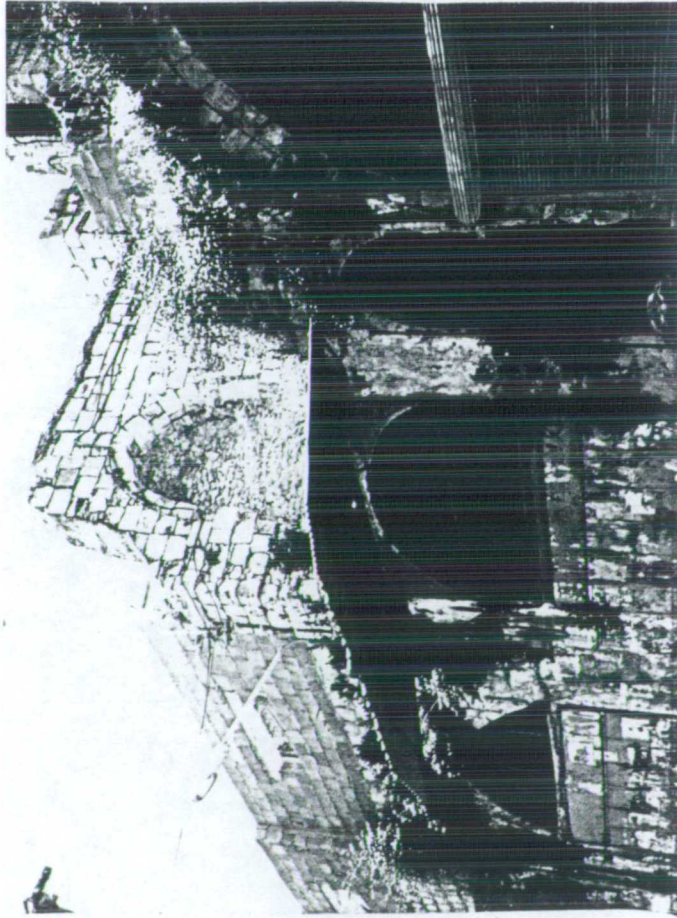
The deterioration in the physical condition in the built environment in the centre of Nablus could be attributed to many factors. Some of these factors were more severe in one area than the other two. In addition to war damage and the effect of the military conflict, there was evidence of general neglect, lack of maintenance and lack of investment, particularly in Zone "A" and "B". This was confirmed by users who were discouraged from improving or upgrading their buildings/businesses, as a result of the political, legal and financial obstacles, (Table 17 and 18, Chapter VIII).

Violations and illegal construction added to the general physical and aesthetic deterioration in the built environment, particularly in Zone "A" and "C". New construction did not follow building regulations and health and safety codes particularly in Zone "C", and its quality was generally bad. Moreover, new construction whether complete new structures or additions and extensions to existing buildings was carried out without any attention to its suitability to existing urban fabric particularly in the old city.

Deterioration in the physical condition of buildings and urban spaces and amenities was exasperated by the degradation in the environmental conditions in the centre, particularly pollution, hygiene and loss of green and open spaces.

Physical deterioration was accompanied by changing development trends. In the absence of a development plan, regulations or guidance from an effective local authority, the change seem to have been a response to the difficult political, security and financial obstacles, and not a response to modern technical and professional advances or to existing and future development needs and priorities. The policies and practices that could have contributed to this condition will be examined and analysed in following chapters of this study, (Chapt.VI, VII and VIII).

In conclusion, after twenty six years of Israeli administration, there was clear evidence that the physical condition of the built environment in the historic and new parts of Nablus city centre had deteriorated.

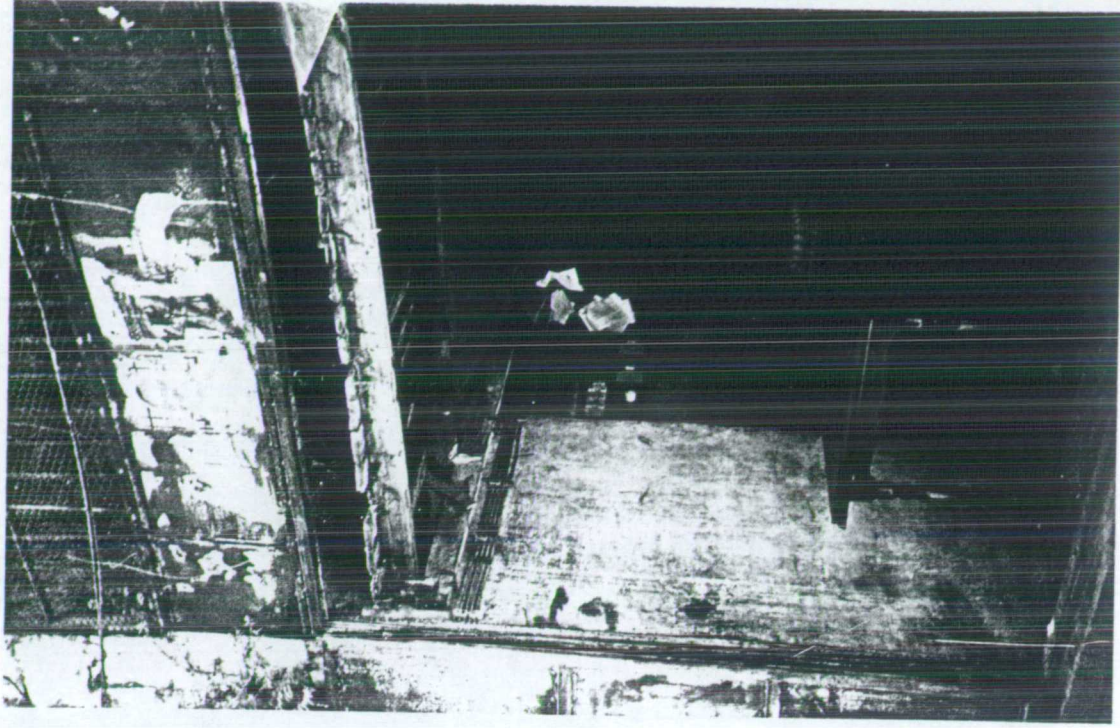


1.

Physical Condition: Zone "A"

Al Nassr Street

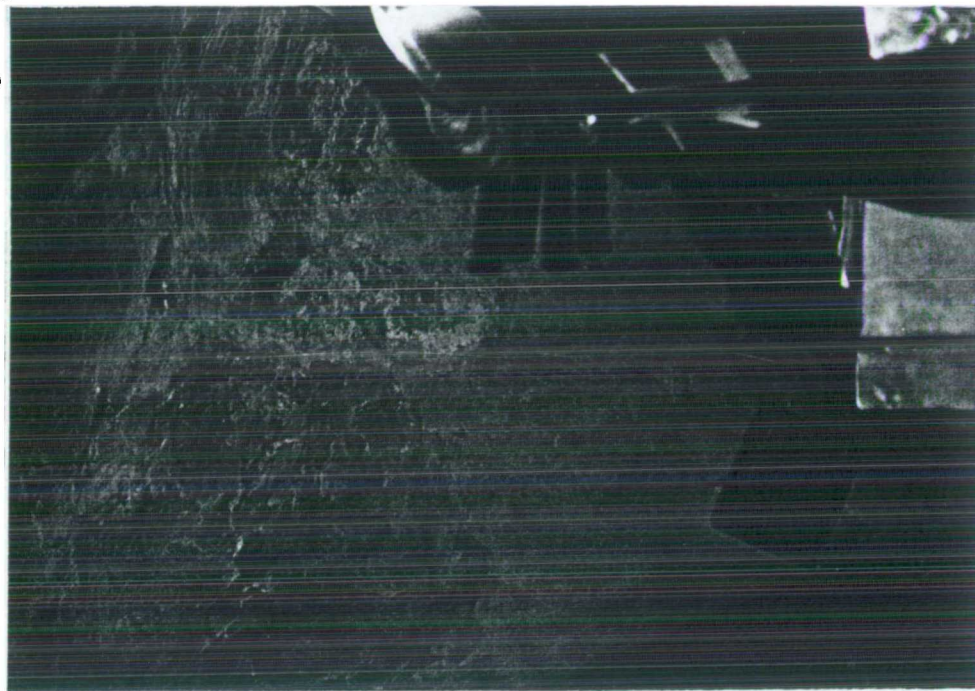
1. Deteriorating old stone facades, illegal extensions built using modern materials in historic buildings.
2. Metal rust and timber rot in a shop with dilapidated internal finish.





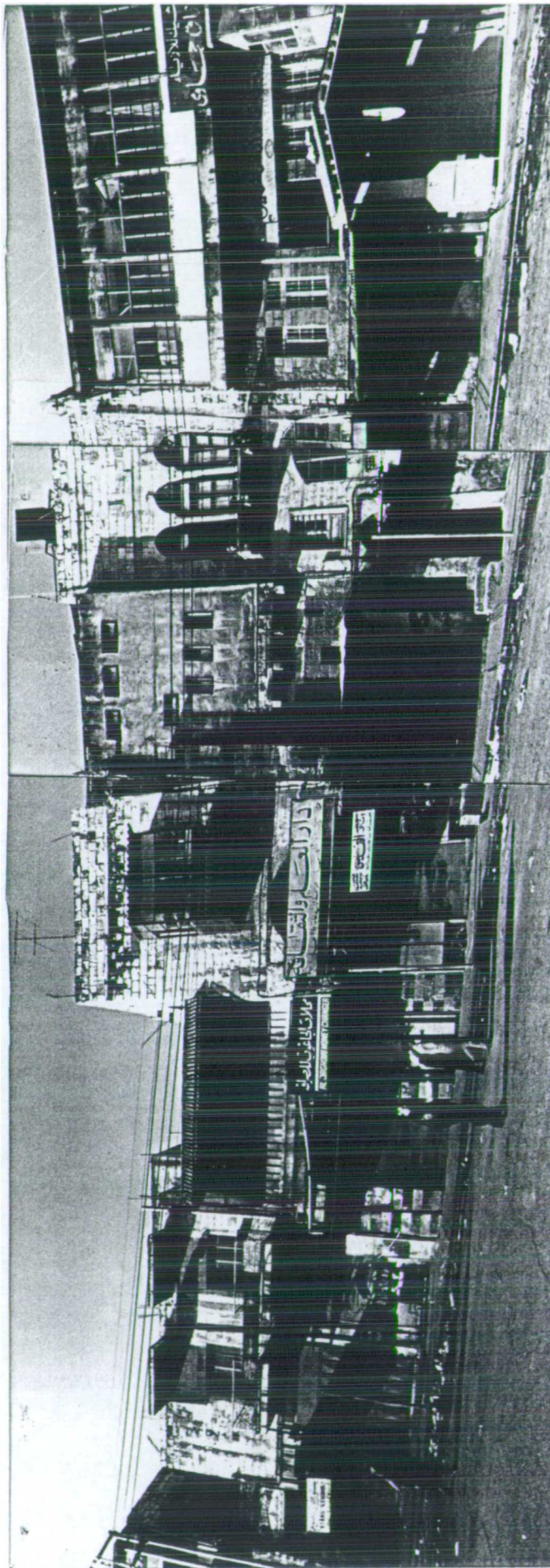
Physical Condition: Zone "A" 1.

1. House entrance, rot in timber door, broken glass and rusty metal, stains and plant growth on wall.



2.

2. House interior, dampness stains evident at ceiling finish.



Physical Condition: Zone "B"

Deteriorating external surfaces; damp stains, rusty metal and deteriorating finishes.

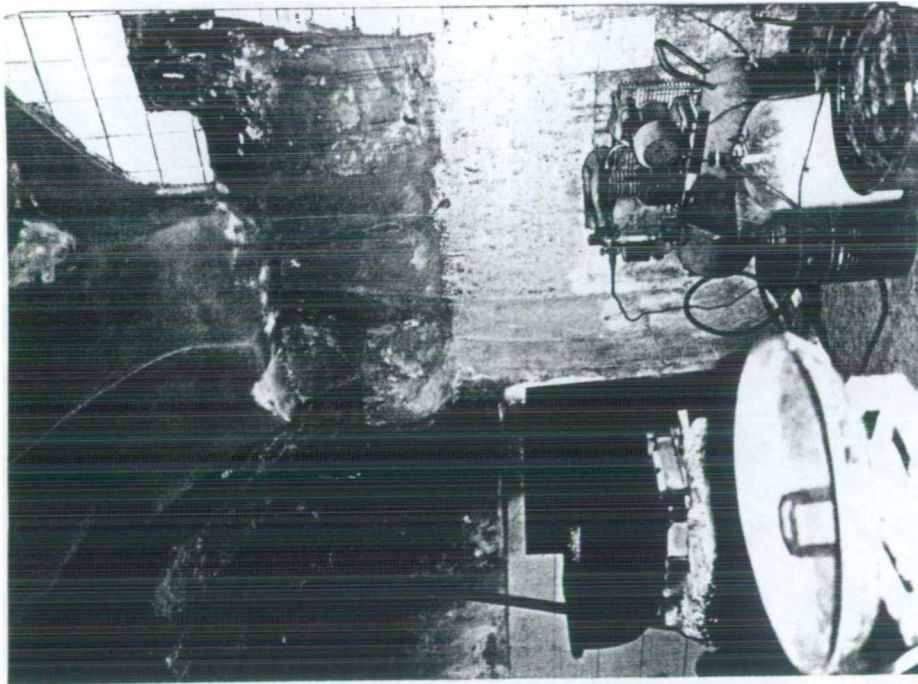


Physical Condition: Zone "A"

1. Damaged wall finish, damp stains in a workshop
2. Stains and mould growth in a sweet factory resulting from severe dampness and water penetration.



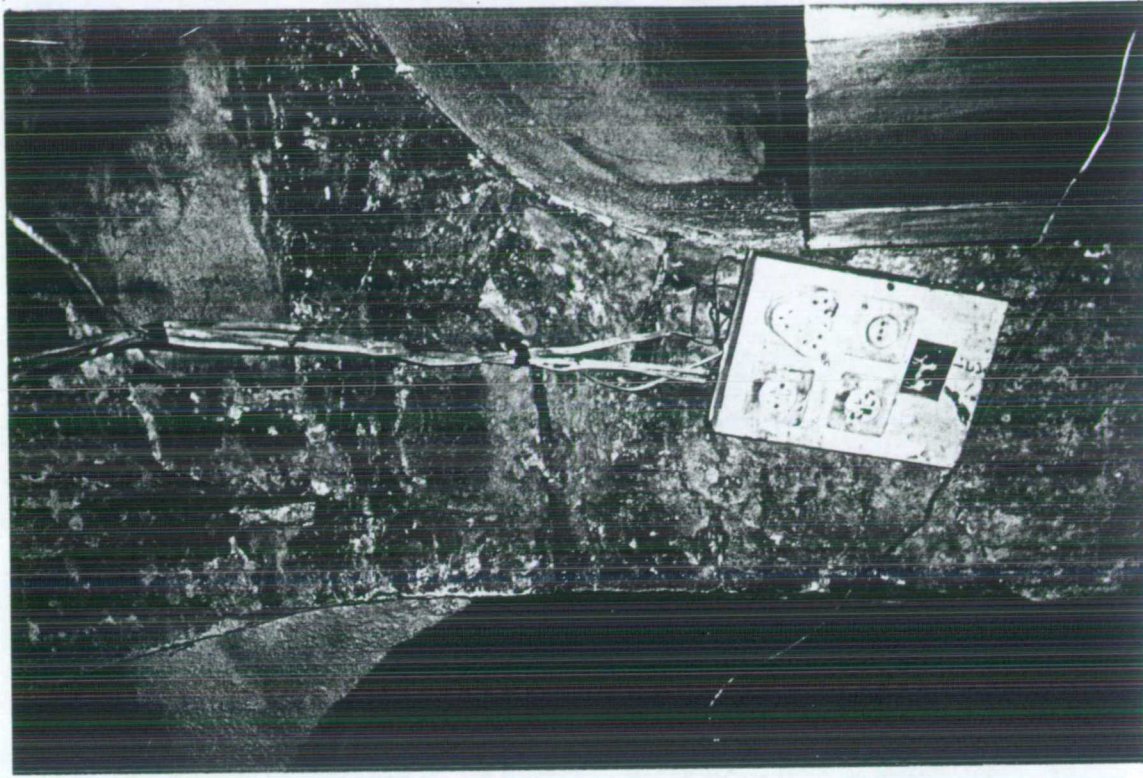
Plate (7)

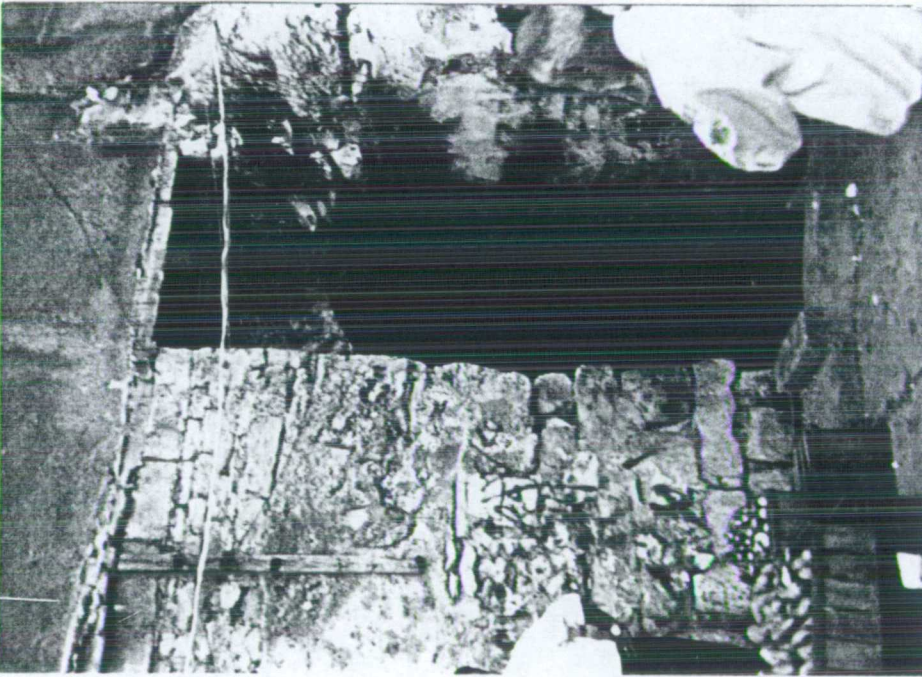


Physical Condition: Zone "A"

(Old public bath converted to a sweet factory)

- 1. Damp stains and mould growth evident on internal walls.**
- 2. Exposed wiring and electrical connections with mould growth and damp stains on walls.**





1.

Physical Condition: Zone "A"

1. Stone facade with severe spalling, staining, mould and plant growth.

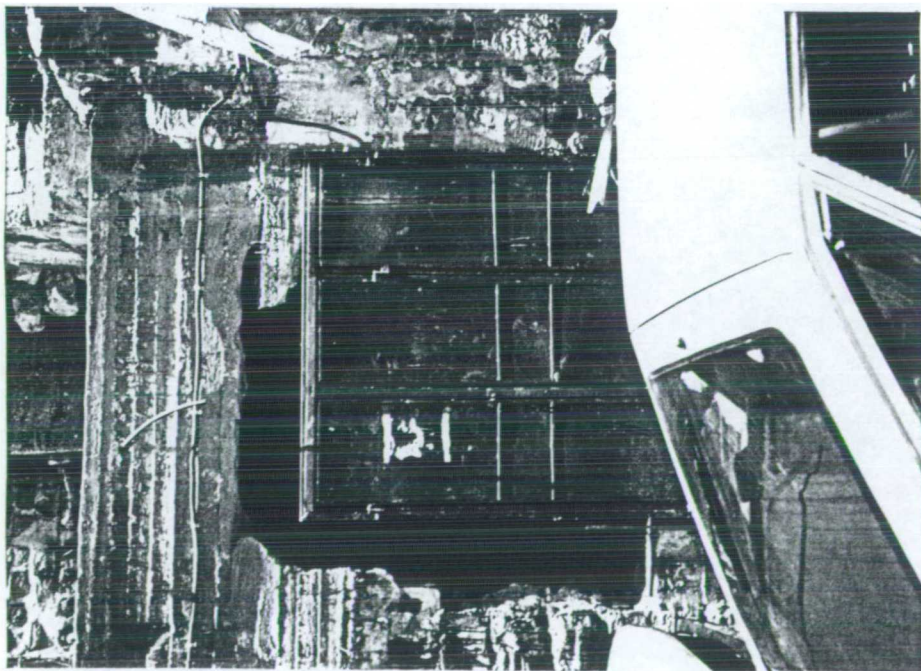
2. Misguided repair work and illegal modern extension.



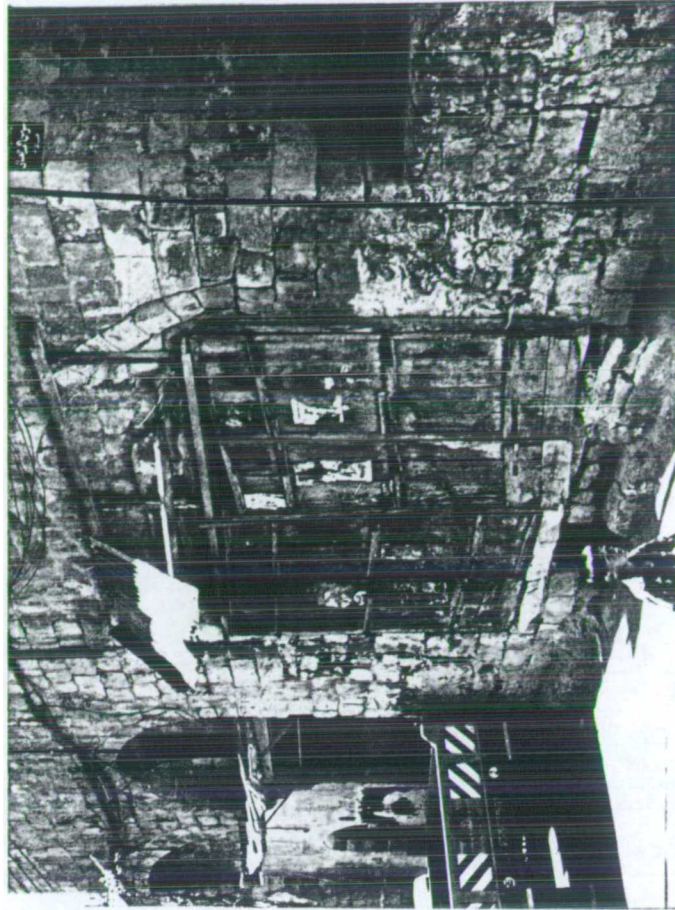
2.

Physical Condition: Zone "A"

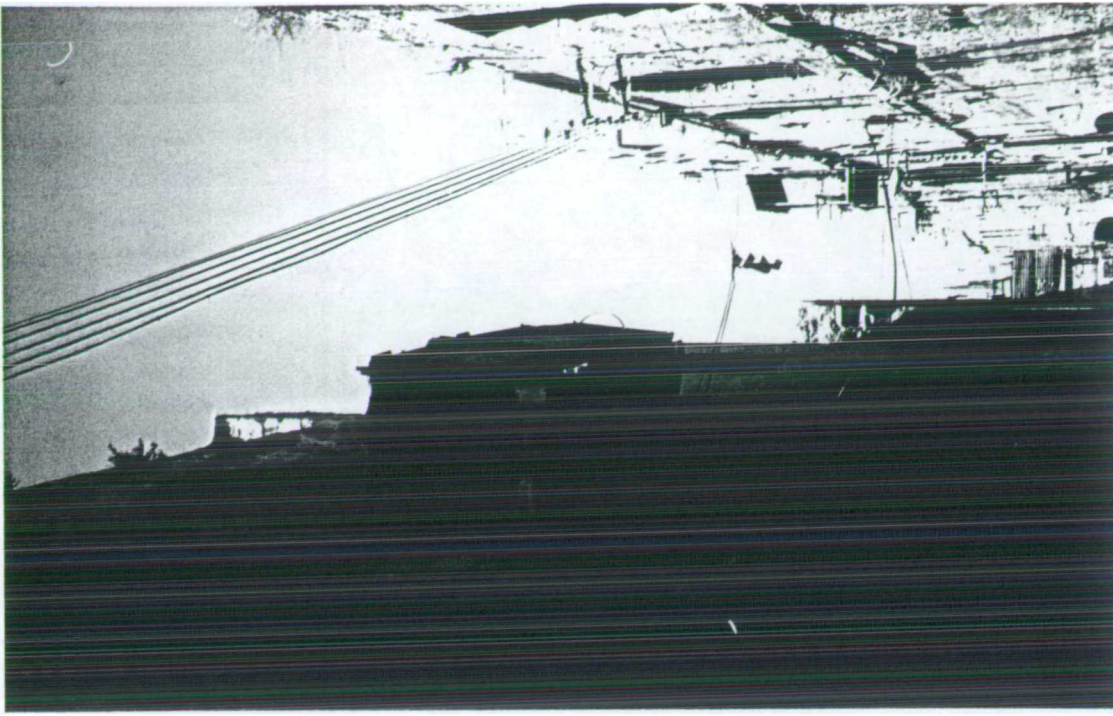
1. deteriorating doors and incorrect fixing allows water penetration which causes dampness and general failure of finishes.
2. Bad quality new construction, improper fixing and connection between old building and new construction.



1.



2.



Physical Condition: Zone "A"

External:

1,2 & 3. Balconies and mashrabiyyas in dilapidated condition and structurally unsafe condition in Al Nassr Street.



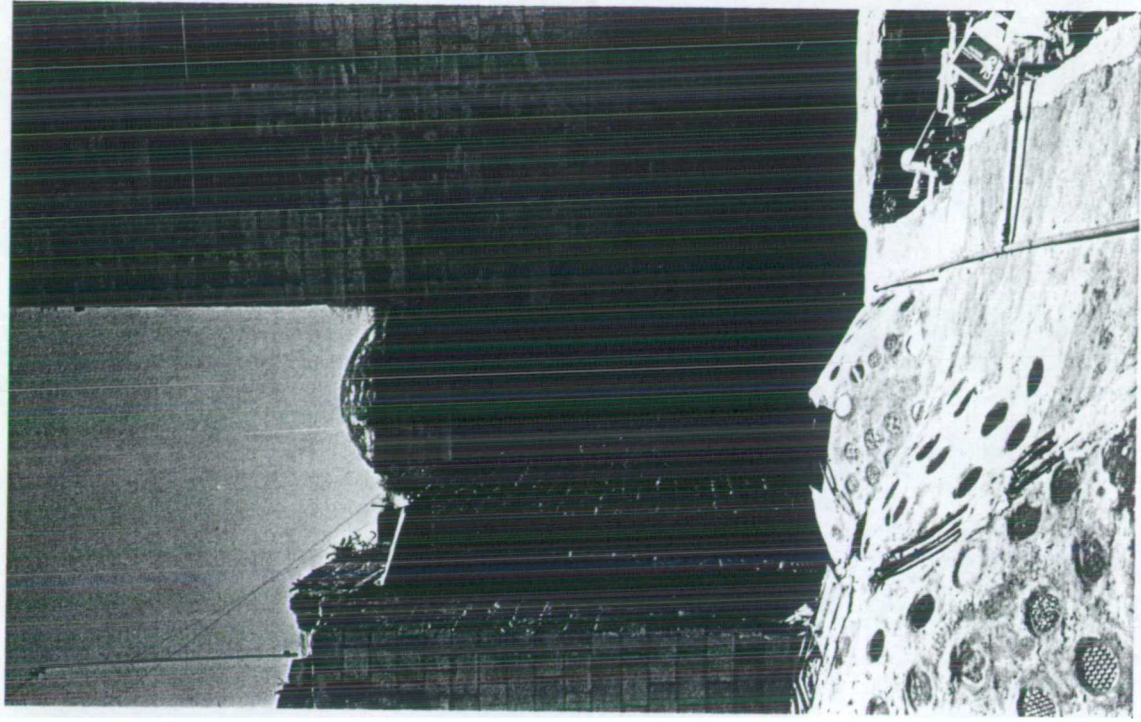
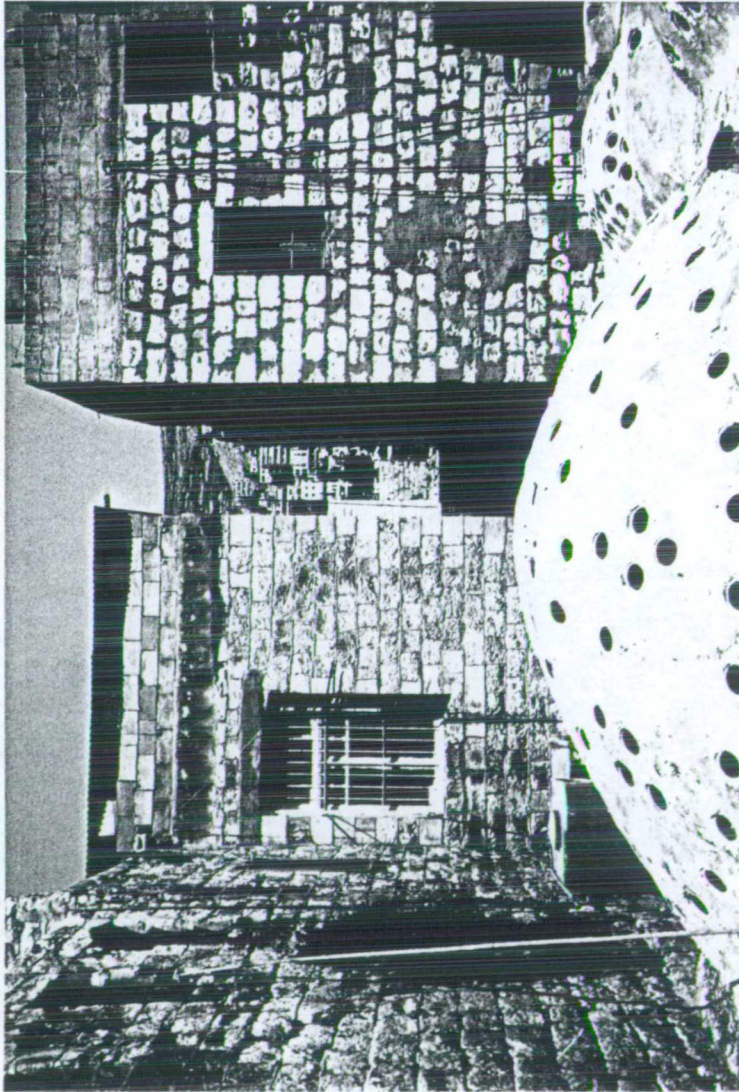
1.

Physical Condition: Zone "A"

1. Dampness, mould and failure of external finishes
2. Cracked plaster and stained walls aggravated by severe water penetration from openings and roof. Exposed wiring adds to hazardous health conditions.



2.



Physical Condition: Zone "A"

(Roofs and stone walls)

Misguided restoration of wall finishes, illegal additional floors on old structures. Damaged roof and wall finishes.

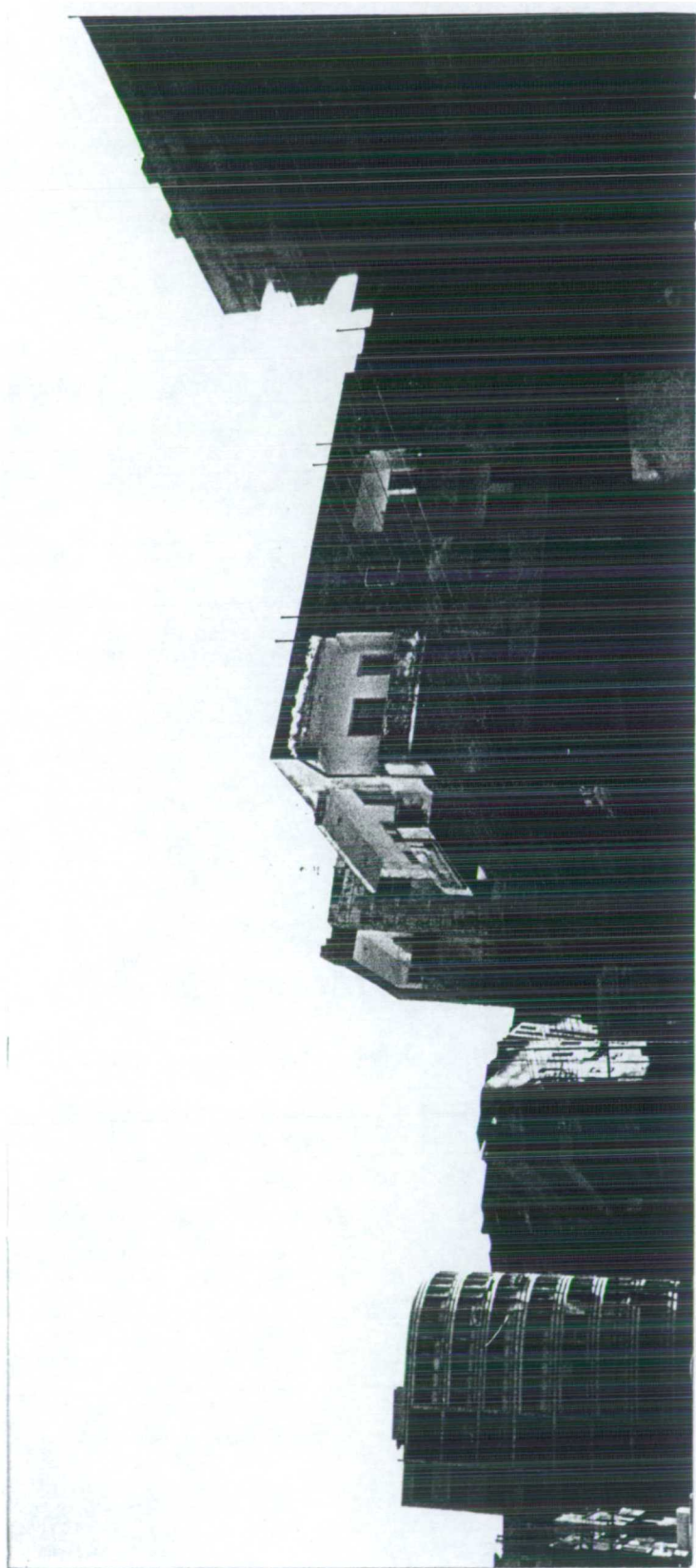
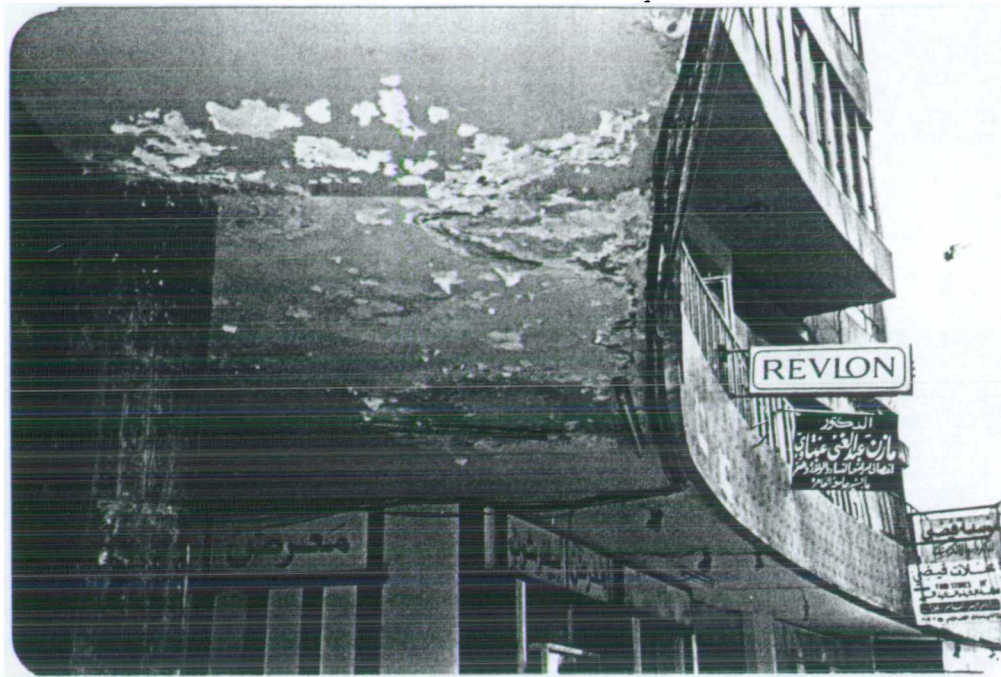
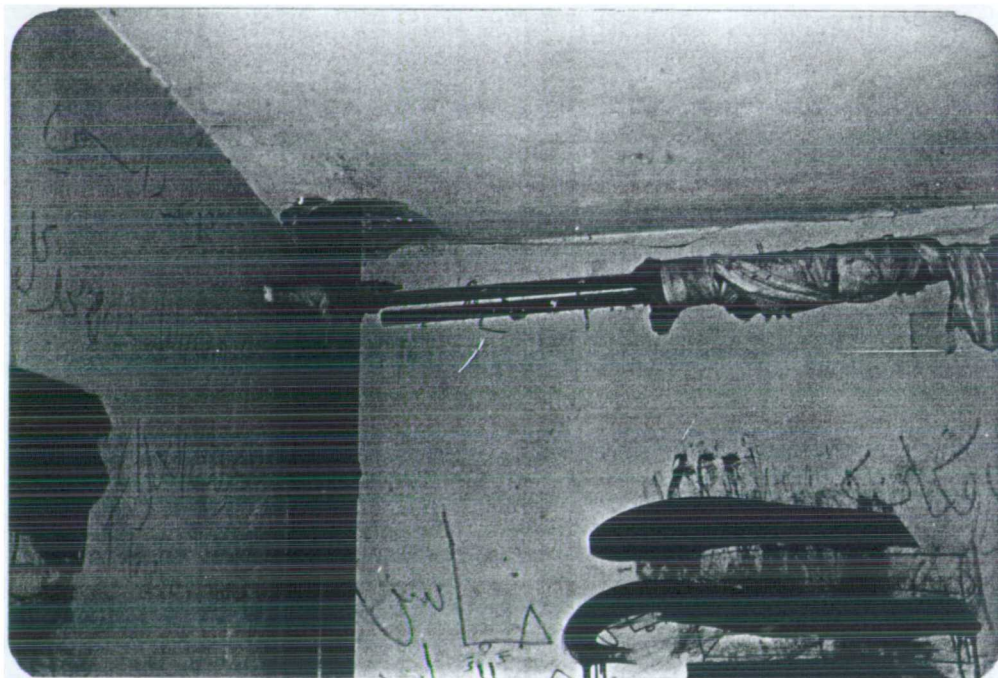


Plate (13)



1.



2.

Physical Condition: Zone "B"

1. Deteriorating external finishes in an office building on the main square.
2. Deteriorating internal finishes and services in a shopping precinct.



Physical Condition: Zone "B"

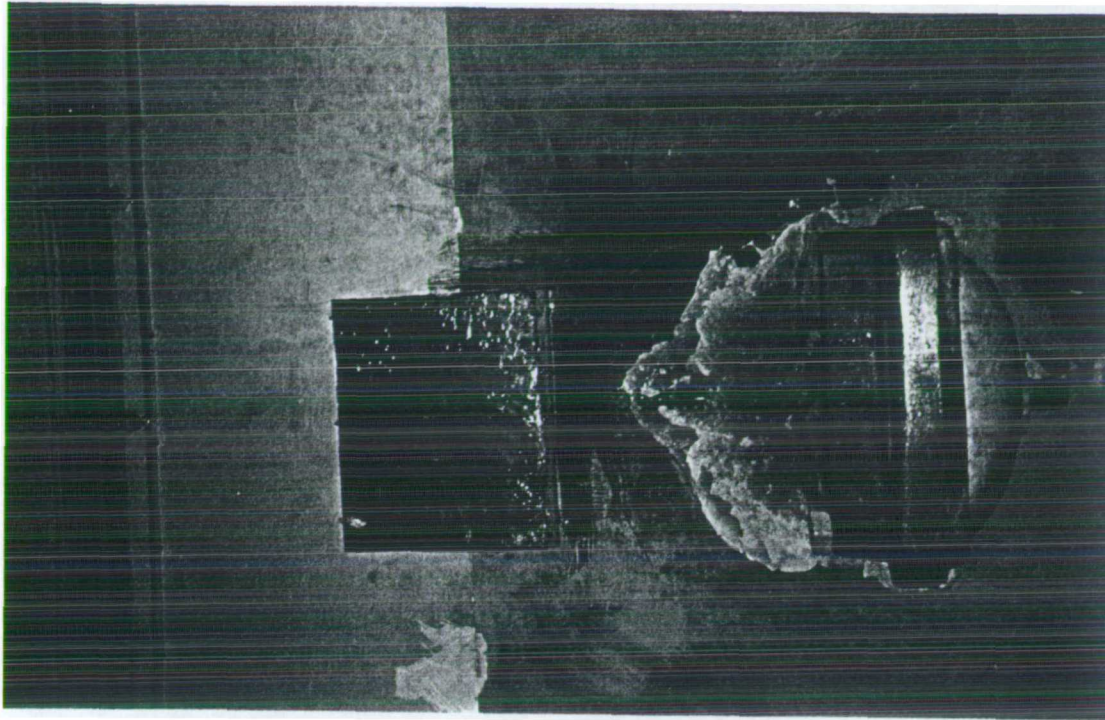
Stone wall facade with bad surface quality: evidence of damp stains, peeling plaster and paint.



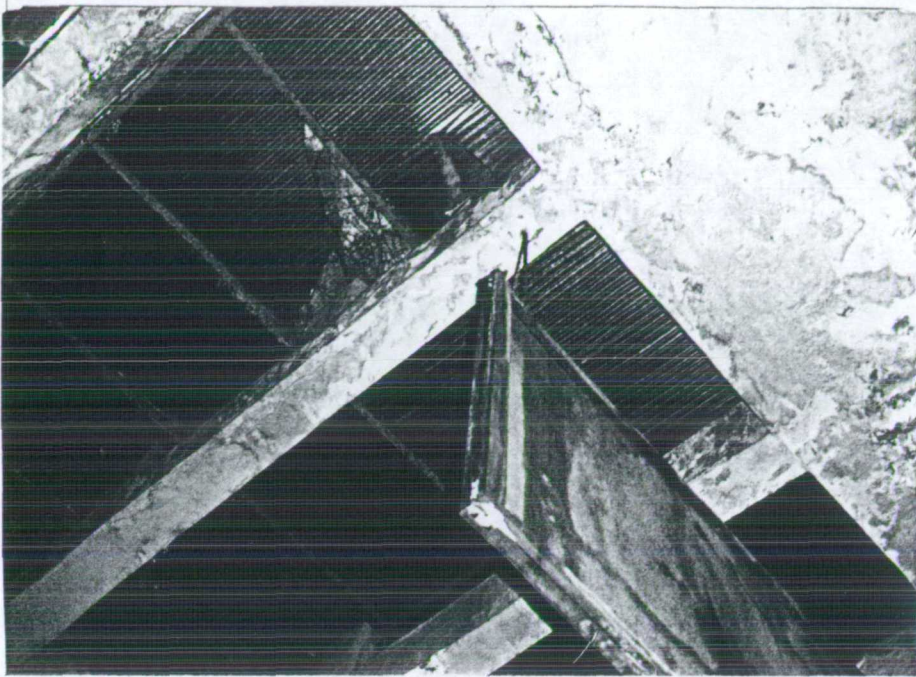
1.

Physical Condition: Zone "B"

1. Interior of Ghernata cinema, damaged ceiling tiles and rusty grid.
2. Severely stained and deteriorating wall finish and broken sanitary- ware in the cinema.

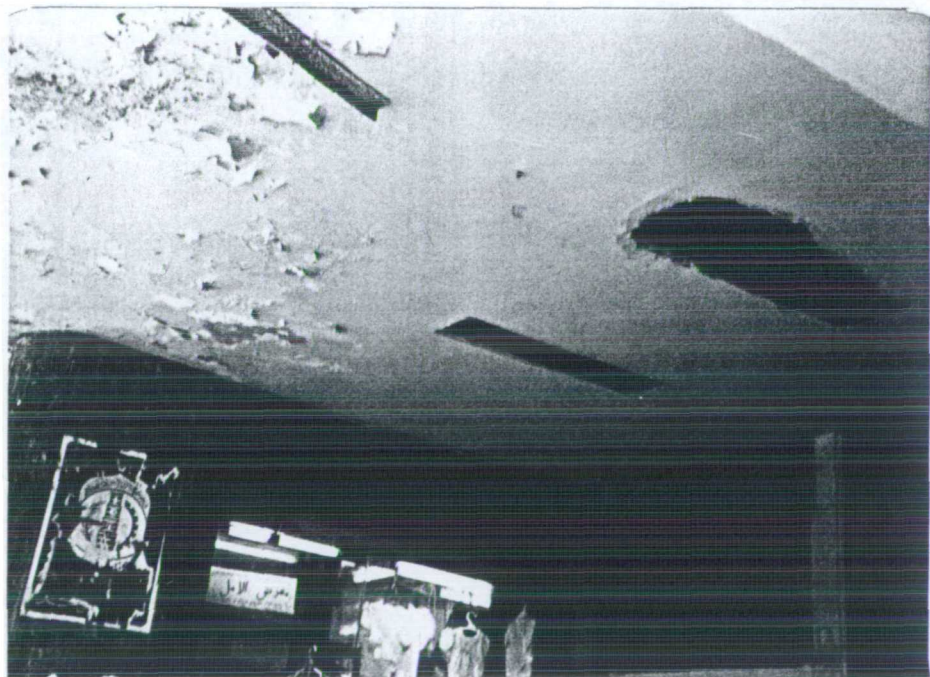


2.



Physical Condition: Zone "B"

1. Deteriorating finishes of ceilings and walls in a commercial building on the main square.



2. Damaged ceiling tiles, severe dampness in ceiling caused by water penetration from skylights in an office building on the main square.



1.

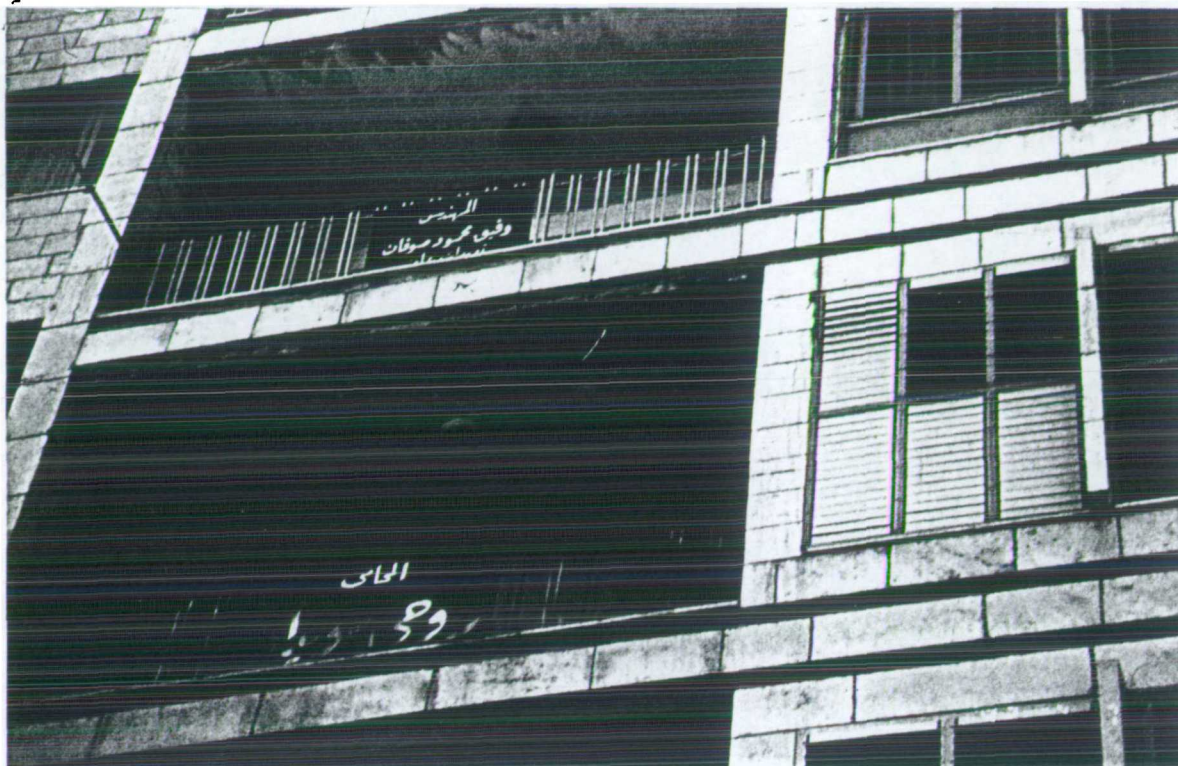


2.

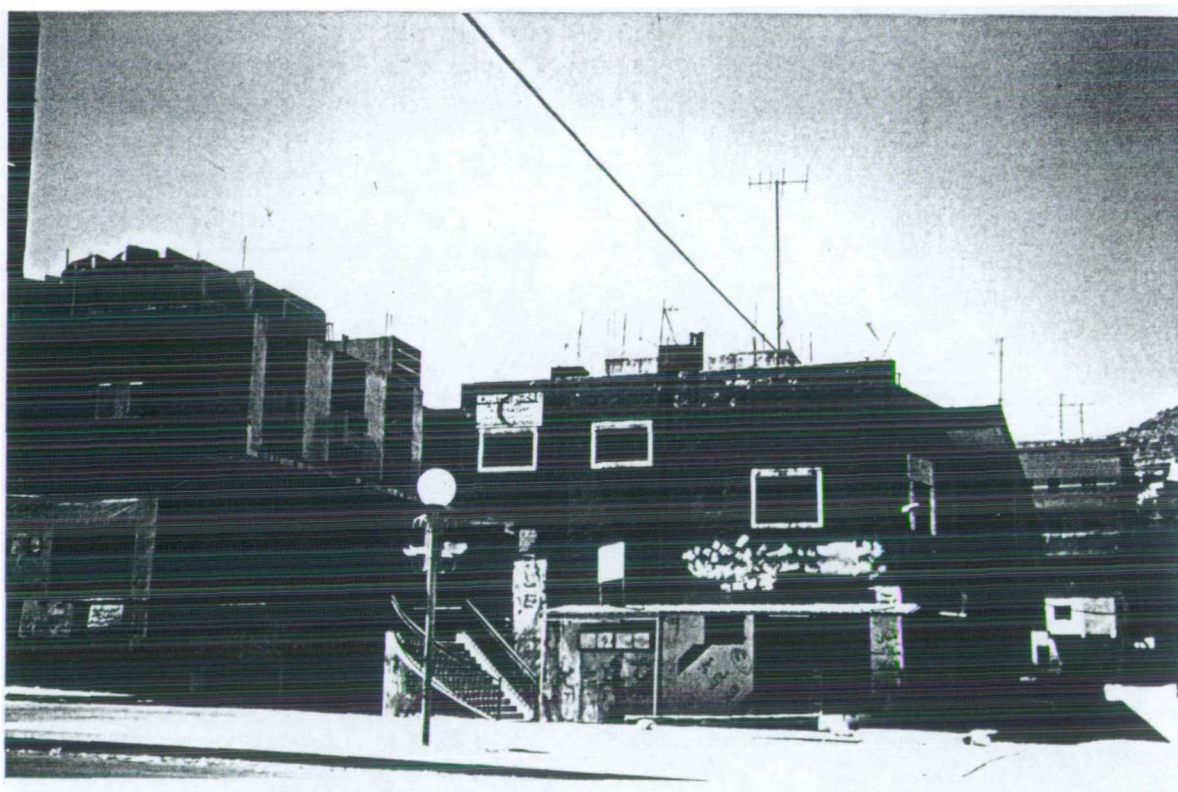
Physical Condition: Zone "B"

1. Damp and water stains and exposed wiring
2. Wall cracks, stains and exposed wiring

Plate (18)



1.



2.

Physical Condition: Zone "B/C"

1. Severe dampness, water penetration in a high rise office building with mould growth, stains and general failure of cladding and finishes.
2. Facade of shopping precinct suffering from damp stains, roof leakage affecting internal finishes

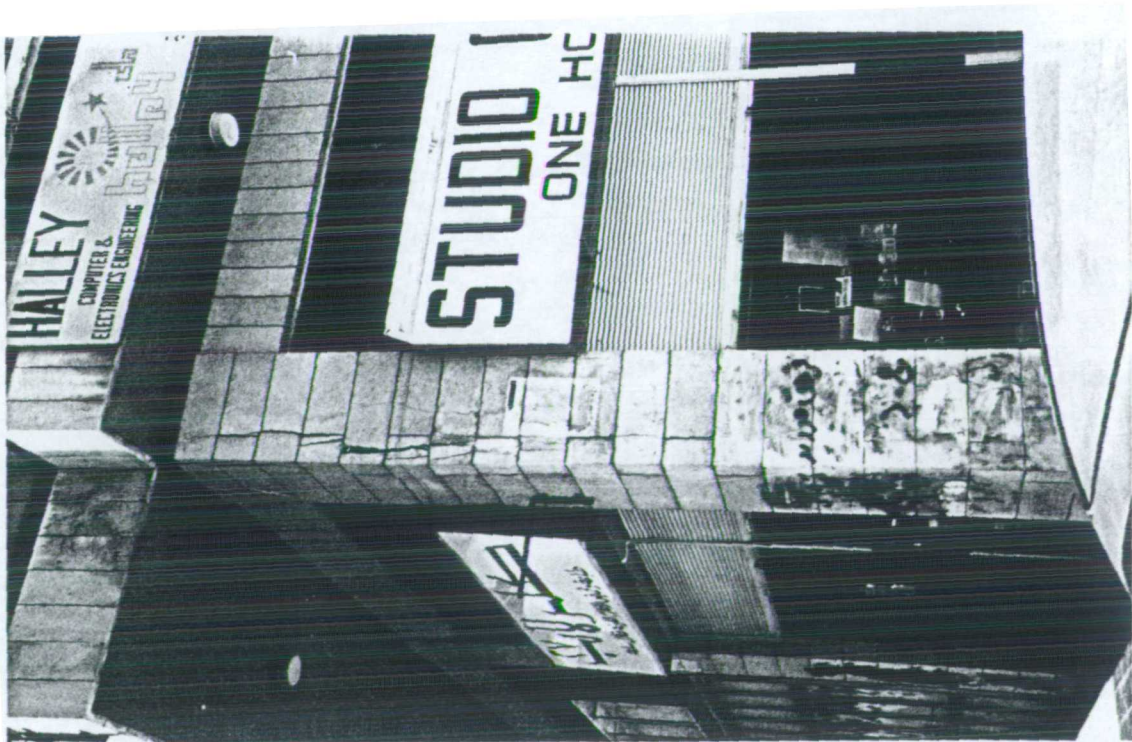
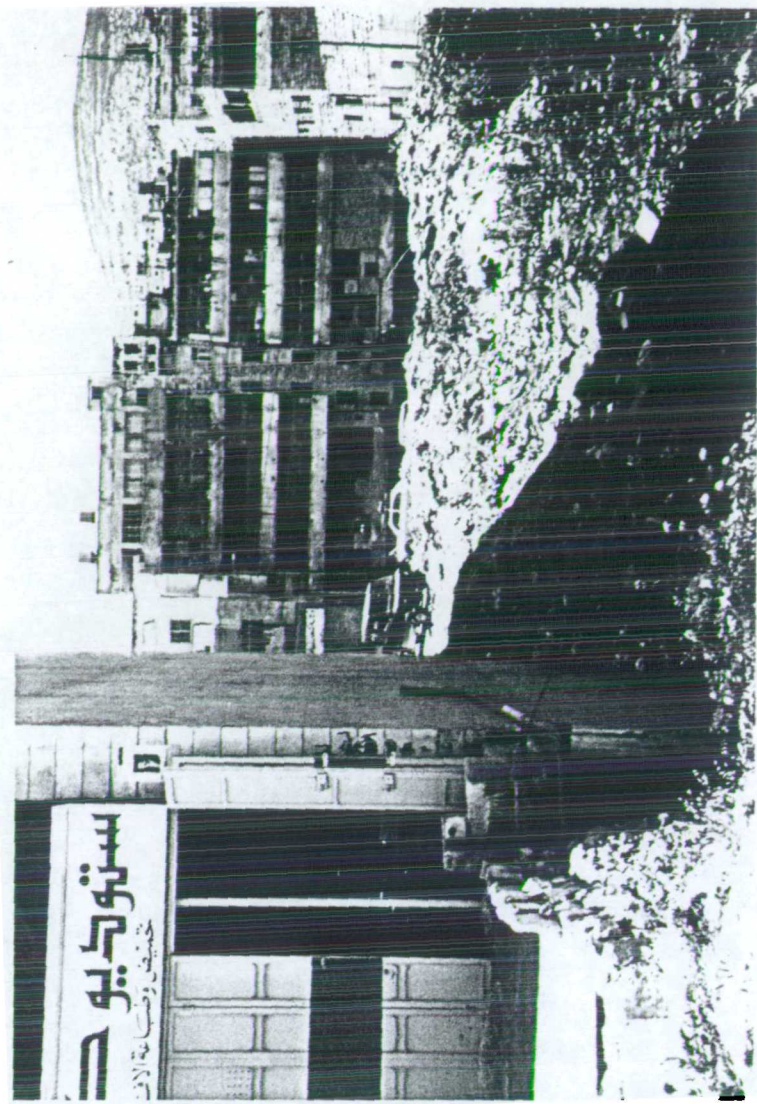


Plate (20)



1.

Physical Condition: Zone "C"

1. New Construction: Built without provision for waste water drainage. Tenant extended pipe outside to drain on open ground. Adjacent empty site used as rubbish tip.
2. New construction: cracks evident on stone walls. Dampness and water penetration evident on parapets and balcony under slabs.

2.

CHAPTER V

The deterioration in public services and environmental conditions

Description and analysis of the physical condition of public services and infrastructure and examination of the environmental conditions in the occupied Palestinian territories.

Introduction:

The public utilities and services sector in the OPT suffered from neglect, lack of investment and absence of maintenance and upgrading during the occupation. The increase in population and subsequent pressure and demand for expansion had not been met by an increase in the provision of services or improved facilities.

There was inadequate increase and improvement in the road stock and transportation facilities and communication under the Israeli administration. Public utilities had also suffered from shortages, frequent cuts and inadequate supply.

Until 1994, there was no evidence of any available department or authority with the responsibility for environmental protection within the Israeli military establishment or its Civilian Administration.

Thus, there had been a deterioration in general environmental conditions in the OPT as a consequence of inadequate supply and poor quality of public services, general indifference to environmental problems and concerns from the Israeli administration, lack of public awareness, in addition to safety and health hazards resulting from military actions and practices during the occupation.

This section examines available documents and studies on the subject and analyses the implication of the level and quality of service supply and environmental conditions on urban development and residents lives in Nablus. This is supported by views and data obtained from interviews and questionnaires. In the absence of reliable statistics and relevant quantitative and qualitative research in this field, the interpretation and analysis of data in this section is an integration of multiple sources of evidence such as literature and documents, interviews, observation supported by the results of the questionnaire survey where applicable, (Chapt I, Limitations, Chapt. III, Sect.1,2 &5)

SECTION 1: Public services and infrastructure:

1.1 Roads and circulation

According to Palestinian engineers and researchers estimates, 40% of West Bank roads were below acceptable operational standards, (PASSIA Diary, p.198, 1994 ²⁹). There was a limited expansion of roads and very little maintenance carried out on existing stock. Only 10% of households in OPT owned a private car, a level suppressed by Israeli taxes on sales and import, road tax, and control of vehicles and driving licenses, (ibid).

Like other sectors of development, the transportation and communications sector, constrained by the occupation, had been rendered unable to perform its developmental tasks. The only means of transportation was the inadequate road network which provided for the movement of people and goods within Palestine and connected it with the outside world (CEP, p.66, 1992), which could only be done through either Israel or Jordan.

Public transport consisted of buses and shared taxis. The buses operated on a franchise system which dated from the Jordanian administration, and the majority of companies operated only one or two buses. Absence of subsidies forced operators to abandon less profitable routes, which left at least 150 villages with no bus service, although some villages ran unlicensed system of pick up vans and taxis (PASSIA, 1994).

1.1.1 Roads capacity and condition:

The total length of the West Bank road system (paved) was 656 km in 1947, 1,332 km in 1967 (103% increase), Israeli administration paved 350 km up to 1987 (26.2% increase) according to the West Bank and Gaza Atlas, (p.34, 1988). Although there had been considerable improvement in the road quality, as the length of Class I roads increased

²⁹ PASSIA is the Palestinian Academic Society for the Study of International Affairs based in Arab East Jerusalem.

from 368 km to 731 km, this increase was mainly due to Israeli partisan interests (Benvinisti & Khayat, West Bank and Gaza Atlas, p.35, 1988).

According to the authors, road alignment and construction reflected the geo-political planning strategies of the authorities in control, more than the transportation needs of the West Bank population. They add that the road alignment under Israeli rule had been established to serve the political objectives of the occupation authorities and their new settlements in the occupied territories.

"In practice, two parallel road systems have been created in the West Bank: one for Israeli use and another, in existence prior to 1967, and with certain improvements, for Palestinian use" (Benvinisti & Khayat, p.36, 1988).

UNCTAD noted that the Israeli authorities had been indifferent to promoting, developing, or even improving the road network in the territories where no new Israeli settlement had been constructed. This indifference led to the deterioration of the condition of many local roads, rendering them hazardous to traffic. Lack of maintenance also led to continuous deterioration of the roads (UNCTAD, item 131, p.37, 1993).

According to an earlier UNCTAD report, secondary and feeder roads were almost totally neglected in Palestinian towns and villages despite improvements in transport services on main roads. Their inadequate and poor state and the increasing orientation of the transport system to Israeli prerequisites meant that it became a serious bottle-neck for the expansion of trade (UNCTAD/RDP/SEU/1, Chapter 5, 1989). There were no sea, nor air travel facilities in the OPT and the reduced institutional structure was dominated by the occupation authorities.

Although some development in the main road network was accomplished after 1967, it was mainly aimed at

facilitating the movement of Jewish settlers within other settlements and also between these settlements and major urban centres in Israel, often by-passing Palestinian towns and villages.

The main existing road network consisted of two major north-south highways connected by a number of east-west roads in the inland region. This network connected Nablus to the south with Ramallah, Jerusalem, Bethlehem and Hebron and to the north with Jenin and Tulkarem to the north west of the West Bank. The east west highway connected it to the east to Damieh bridge, the exit to Amman which was closed in 1993 and the road to the East Bank had been diverted to Alenbi bridge via Jericho to the south east (Map No 2 above). The local roads provided access between smaller towns and villages which were generally narrower than secondary roads. More than half of these roads suffered from poor surface and geometrical conditions (CEP, p. 68, 1992).

A report by the Strategic Review found that before the occupation the West Bank and Gaza had a total of 1800 km road stock of which 93% were paved. The increase of only 360 km between 1967 and 1992, was not in proportion to the population increase and subsequent scale of development and transport demands. Planners argue that the occupation authority objectives were not to provide for Palestinians' need in this field, but for the needs of their own Jewish settlers (Strategic Review, 1991, p.35).

This policy led to the confiscation of thousands of donums from Palestinian owners. The constraints imposed on the land surrounding these roads restricted the ability of land owners to use it and also the ability of nearby towns to expand, (ibid, p.25).

A study was conducted on two 10 km samples from a projected road "Road 57" which crossed the West Bank from Tulkarm passing through Nablus to Al Far'a concluded that; in addition to confiscating thousands of donums

from Palestinian owners, the proposed project would involve the demolition of some 164 houses, in addition to a school and other buildings. All these road schemes would not have even benefitted the Palestinians on whose land it was constructed ³⁰.

Following the intifada in 1987, the authorities changed circulation patterns and street directions in most Palestinian towns to serve its own security needs. Palestinian planners and engineers were not involved in the planning and implementation of new changes and therefore local needs were not taken into consideration when the new plans were drawn (ibid).

1.1.2 Traffic and Parking Facilities:

There were no traffic lights in any city or town in the West Bank, these were considered a security risk by the authorities (Strategic Review, p. 39, 1991, Observations, Survey 1993). The reason given by the authorities for any application or request for permission to use traffic lights was; that there was not enough traffic to justify them (Abu Eishah, Shkoukani, & H. Touqan 1993). With relative increase in traffic volume and lack of expansion of road stock, the use of traffic lights could have improved the situation and reduced the risk of accidents.

The author's attempt to meet with the Israeli officer in charge of traffic in the Civil Administration was unsuccessful, nor was she able to obtain data from the Palestinian official working in the local traffic department in Nablus police station except that there was a dramatic increase in road accidents in the city between 1991 and 1992, (Table No 6, & Habaybeh, 1992).

During the field visit in 1993, it was noted that no physical changes or measures had taken place to improve the situation in spite of the escalation in the number of road

³⁰ This exercise was conducted for a case taken to the Supreme Court by Palestinian lawyers and human right groups in 1984 cited in Khamayseh, 1989, p.32).

accidents. Although new figures could not be obtained, eye witnesses reported a more dramatic increase in number of road accidents and particularly deaths.

In spite of the serious problems suffered by drivers and pedestrians in Nablus and other towns, there was no available traffic management system in the city or the OPT as a whole to reduce these problems and the subsequent delays affecting businesses and consumers, (Abu Eishah, 1993).

Table (6)
Road Accidents in Nablus 1991-1992

Year > Accident	1991	1992	Increase
simple	87	83	-4 (-6%)
serious	106	157	51 (48%)
total	193	240	47 (24.3%)
Deaths	26	38	12 (46%)
Serious injury	31	41	10 (32%)
minor injuries	284	308	24 (8%)
total injuries	315	349	34 (10.7%)
total deaths and serious injuries	57	79	22 (38.5%)

Based on information obtained from the, CA, Local Traffic Department, Nablus, 1992.

According to Abu Eishah, there was no proper control of traffic in terms of circulation and accurate studies for traffic flows and congestion problems in the city, this was demonstrated in:

1. complete absence of traffic signals, demarcation lines and pedestrian crossings;
2. the available pavements were of inadequate widths and poor quality of construction, pavements were not available in many areas;

3. absence of protection rails for dangerous areas and crossings in streets

Parking: There were no planned parking facilities in the city, in spite of an annual increase of 10% in car ownership (higher than the natural growth in population of (2.5-3%). At the time of the survey, there were no plans to meet the pressure in demand in terms of regulations and provision of parking facilities and road capacity (Ibid).

Randomly parked cars and congested traffic, was a severe problem in most Palestinian towns such as Nablus, Rammallah, and Hebron. After the eruption of the Intifada (uprising) in 1987. This condition was worsened by the presence of carts and street vendors, which blocked access to buildings, pedestrian walkways and disrupt car movement (Plate Nos 21 & 26, and App. A, Tables 25-27).

There were no clear regulations for parking and movement of traffic within city boundaries. The Israeli authorities dealt only with matters that concerned security, and local matters were largely left to the local authorities. The implementation of any regulation was difficult due to the weakness of these authorities.

On the other hand, there were no available private or public parking facilities in most major Palestinian towns such as multi storey car parks, surface car parks, or parking meters. A recent parking survey in Nablus central business district (CBD), and one of the few available, conducted by the Faculty of Engineering at Al Najah National University found that in addition to on-street (curb parking), which it considers to be "legal", there were only 43 other official parking spaces in the CBD, (Al-Najah, 1990, Table 3-2, p.44).

The free on-street parking (curb parking) though limited, added to the traffic congestion in the already congested streets as a high proportion of it was "illegal" (Al Najah, Fig 3-7, p.46 & Table 3-3, p.47-49, 1990). The above study

concludes that in their sample area they found the number of "legally" parked cars to be 605 and those "illegally" parked to be 331 (35.3%). It is, however, not very clear how "legal" parking was defined or whether it was based on an official study and statistics.

The absence of any demarcation on streets and allocation of parking spaces and zones made it very difficult to distinguish legal from illegal (Observation Notes, Survey, 1992 & 1993, App. A, Table 26). There were also no marked areas for waiting, loading and unloading, emergency exits, bus and taxi garages, or any street marking. In the absence of regulations, cars were parked -or double parked- in any available space; on pedestrian walkways, pavements, building entrances, and close to street intersections, causing danger and inconvenience to drivers, pedestrians and building users

Increase in the population and in car ownership was not matched by any measures to cope with the pressure it caused on the city centre, or to increase the available road stock or to provide car parking facilities. A recent study carried out by Al-Najah University in Nablus, recorded a steady increase in car ownership in Nablus:

Table (7)
The Increase in Car Ownership

Year	Population	No of cars	Car/1000 p
1978	85,070	1344	15.80
1982	97,000	2777	28,45
1987	115,942	7363	63,51
1992	137,702	11200	81,34
2000*	181,328	18000	99,27

* expected

(Source: extracted from Al-Najah National University, table 5-3, p. 146, 1990).

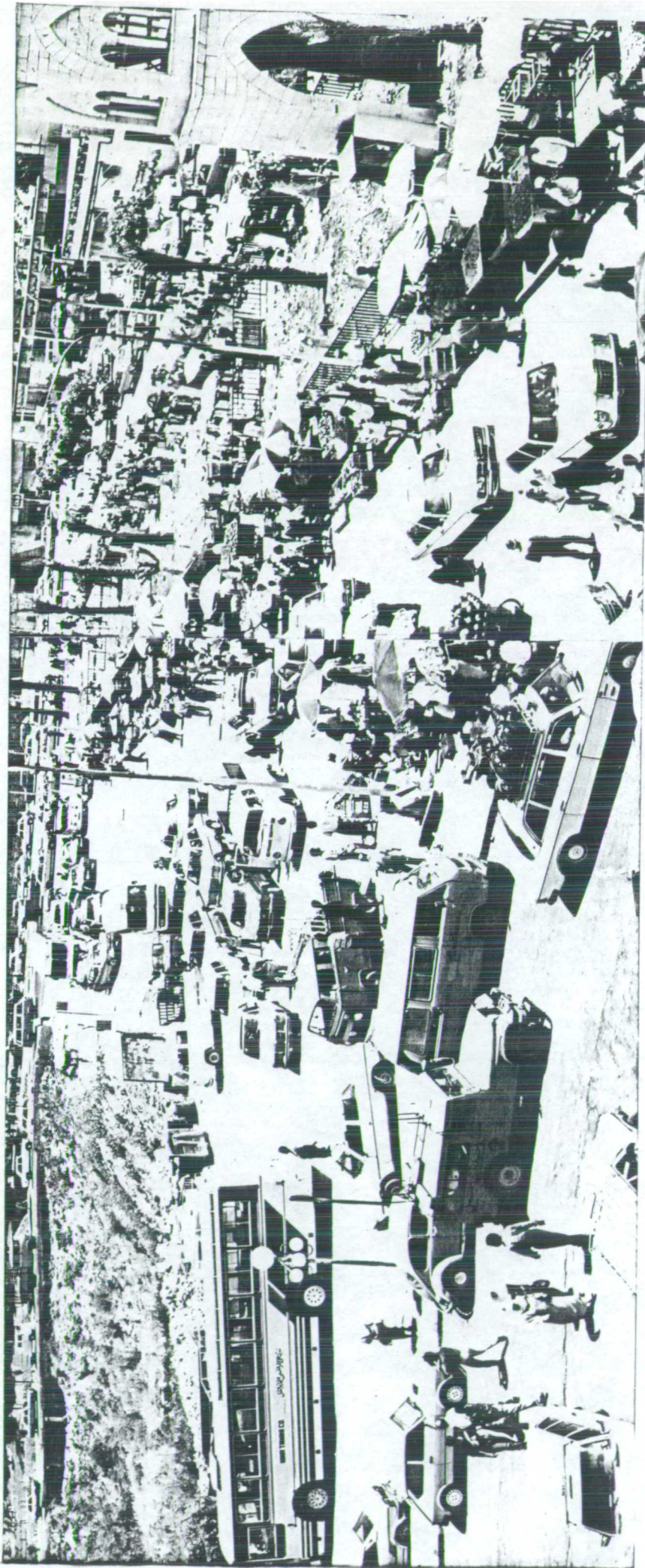
The above table indicates - between 1982 and 1992- an increase in car ownership in of 403 % in the city (an increase of 265% in the first five years).In spite of the

of the decline in car sales during, and as a result of, the Intifada, there had been an increase of 152%. This increase did not represent the actual need for vehicles in the OPT, the substantial increase in taxes imposed by the Israelis on Palestinian drivers reduced the ability of many to own a car. A recent survey by the Palestinian research centre "Maqdes", found that since the Intifada road tax have increased from NIS 28,00 to NIS 467,00, driver's license renewal from NIS 7,00 to NIS 54,00, and car insurance premium increased by at least 80%. Experts on the Palestinian economy estimated that Israel revenue from traffic related tax in the occupied territories reached NIS 100,000,000/yr (Strategic Review, p.18-25, 1992).

The occupation authorities also introduced an additional tax on cars referred to as the "Intifada tax". Palestinian sources estimated that the revenue from this tax was \$4,000.000 per year. An official in Nablus Chamber of Commerce stated that the authorities collected more than \$10,000.000 in one month from the residents in Nablus (Ibid). The overall increase in the cost of buying cars, particularly new cars, resulted in the increase of the number of old cars on the road.

As is the case with other developing countries, the increase in the volume of traffic, the number of vehicles and the inadequacy of the road stock increased the congestion in Palestinian centres and subsequently increased the emission of carbon monoxide and the overall pollution. In addition, the age of cars and the quality of their maintenance, the quality of petrol, as well as the total absence of any form of traffic management had worsened the situation (Harris, p.8-9, 1990).

Traffic problems had been aggravated by the introduction of "security gates" in various parts of the city centre, (Chapter IV, Sect.1, & App. A, Table 32). The objective of these gates was to obstruct the movement of cars and pedestrians in various parts of the city depending on what the army considers to be the location of the troubles.



Nablus, Main City Square, July 1993

The gates were installed at all entry points to the historic core and at other "strategic" parts of the city centre such as the top of Hitteen street, Faisal and Haifa streets, north of the square. These "gates" were either large metal doors (entry to Suq El basal in the old city), or metal screens with metal barriers (Hitteen street), many comprised layers of large metal barrels filled with concrete (Al-Watani hospital and Bawabat El Beyq), while some were made of layers of large stone blocks, (Map No 7 & Plate Nos 39-42).

Many of the people interviewed during the survey complained of the effect these gates had on their business as it restricted their ability to move and to have access to their business and also it discouraged and sometimes prevented their customers from reaching their business (quest. Nos. 18, 22, 23, 31, 38, 41, 50 & 56, App. A, Tables 31-32).

The economic and social consequences of this practice on the residents of Nablus, particularly in the old city is well documented in Human rights organisations records, affidavits and the last municipal councils files (Chapter VIII, Sec 1).

1.1.3 Transport

There was no comprehensive transport strategy for the occupied territories, either from the Israeli authorities or from local Palestinian councils. These councils had no jurisdiction over any of the activities related to the development of existing systems nor to the construction of new ones, whether during planning, implementation and operation stages.

There was an apparent shortage of qualified personnel and technical staff, and general lack of training facilities for existing staff. The local set-up was totally dependent upon the Israeli system for transport and communications.

Public transport comprised of buses run by private companies, and self regulated public taxi service (shared/collective). These offered services within the towns and between various districts in the occupied territories. In spite of providing a certain amount of the needed service, there was still an obvious shortage. Services were not regular, there were no time-tables or allocated stops and garages for buses and taxis, most vehicles parked conveniently where they believed they can pick up customers which was usually in the middle of main streets and squares. The absence of a legal authority and a Palestinian police/traffic force hindered the implementation of any law.

The transport services in Nablus were similar to those in any other city in the OPT. In the absence of official data on each particular city, the information below is based on observation and secondary data obtained from available research and studies mostly qualified for inaccurate and insufficient quantitative and qualitative data.

Responsibility for the administration of transport and communication in the occupied territories was under the control of an Israeli military officer working under the direction of the head of the Civilian Administration, who in turn was under the control and direction of the Israeli Defence Ministry (UNCTAD/DSD/SEU/2, para 127, p.36, 1993).

The Israeli public transport system in the West Bank was operated by the Israeli national bus company (Egged). The Israeli West Bank grid was fully integrated in the national system to which all Jewish settlements were connected and Arab localities bypassed (Benvinisti & Khayat, p.36, 1988). The Arab bus-grid, however, remained practically unchanged after 1967, its inefficient system demonstrated the lack of regional planning and neglect by the central authority (Ibid).

In the absence of other means of transport such as air and rail travel in the occupied territories, the main

transportation facilities were the bus service and public (shared) taxis, which were not sufficient to meet the needs. The situation is summarised as follows:

- Number of private cars in the West Bank increased between 1970 to 1987 from 1626 to 39091 which is equal to one car per 22.2 persons based on Israeli statistics of 868,100 West Bank population in 1987, compared with 1 car per 5 person in Israel.
- Number of public "shared" taxis increased by 64 cars between 1970 and 1980, and by another 50 cars in the year 1987, which is equal to an increase of 2.94 cars per year.
- Number of public buses increased by 220 buses between 1970 and 1987 equal to an increase of 13 buses per year (Strategic Review, Issue No.9, p.30-40, 1991).

In addition, insufficient and deteriorating road stock and subsequent traffic and parking problems, discouraged Palestinians from buying cars. Tax imposed on vehicles in the OPT had also contributed to the demise of the transport system. Military order No. 1249, 1988 stipulates the amount of tax car owners should pay, based on the size and age of vehicle. The tax imposed on cars in the OPT was three times higher than that in Israel. Tax for a car such as a 1987 BMW in OPT was NIS 2065 NIS compared to NIS 685 in Israel for the same model (ibid).

As mentioned above, the authorities increased tax after 1988, to include "Intifada tax" (Chapter VI, section 2).

This tax was to be paid on all vehicles (cars, donkey carts, and bicycles), with an annual revenue amounting to some \$28 million. There had not been, however, a noticeable corresponding improvement in public services for Palestinians since (JMCC, 1992).

The increase in road and car related taxes increased the cost of travel by public transport. The Palestinian passenger in the OPT paid 300% more than the Jordanian for

the same distance of travel. The Strategic Review report anticipated a decline in bus services in the OPT as a result of high cost, high taxes, lack of road improvement and inability of bus companies to maintain and replace their buses. This forecast was confirmed in an UNCTAD report in 1993 which states that the once growing transport branch which had begun to face serious pressures. According to the report, one of the oldest Palestinian bus companies was bankrupt in mid-1992 due to taxation and fines, high insurance premiums, rising costs and inability to finance the replacement of its aging stock (UNCTAD, TD/B/40(1)/8, para 50, p. 20, 1993).

The bus fleet in 1993 was reduced to one third of its capacity in 1988, according to the same report. The number of buses decreased from 700 vehicles in 1987, to 400 in 1992, with the closure of the OPT in 1993, 200 more vehicles were rendered idle (Ibid).

UNCTAD noted reports that the Israeli authorities had intentionally avoided the development of the transport network by decreasing the budget allocations. The report found that in certain years the allocation amounted to few thousand dollars, not enough to cover the maintenance of a portion of the network (UNCTAD/DSD/SEU/2, para 130, p.37, 1993).

Efforts of local and international NGO's to improve and help the transport sector were thwarted by the high customs duty on imported vehicles, high registration fees and a package of combined taxes (duty, income and VAT), imposed by the authorities.

The Israeli policies slowed down the development of this sector which became an export market for old used Israeli public transport vehicles (Ibid).

1.1.4 Communications:

The only communication services which were available in the OPT were telephones and postal services. Until the end of

1994, there were no broadcasting facilities including radio, television or any other type of transmitting stations (CEP, p. 71, 1992). Nor was there a telecommunications' authority or institution. The Israeli authorities took control of the transmitting centre after the occupation and incorporated it in a military compound (UNCTAD/DSD/SEU/2, para 129, p.37, 1993).

The provision and control of all telephone lines and communications facilities were with the Israeli telecommunications company which received its directions for its activities in the OPT from the officer in charge for transport and communications in the Civilian Administration.

To maintain direct control on Palestinian communication systems and safeguard Israeli security concerns, all existing Palestinian communication networks were connected to the central communication exchanges in major Israeli cities (UNCTAD/DSD/SEU/2, para 128, p.36, 1993). The extent of this control was evident during the first year of the intifada, when the Israeli authorities cut off all telephone connections between the OPT and the rest of the world as a "security" measure (Ibid).

Such practice was often carried out, albeit for shorter periods, as a form of collective punishment during severe security conditions, (observation notes, interviews, 1992 & 1993).

In 1990, there were 13 major telecommunication facilities in main Palestinian towns providing direct local exchange lines, international trunk switching centres and telegraph services (CEP, p. 71, 1992). At the time the survey was completed, there were only a limited number of telex and facsimile services.

There were 60 formal post offices providing local and international mail services, rental post office boxes, banking and monetary transactions and telegraph facilities,

together with 200 informal offices in smaller urban settlements (Ibid).

1.2 Public Utilities:

Until 1967, basic public utility services were expanded to reach most urban areas in the OPT, in addition to a few number of rural communities. After the occupation, the development of such utilities was not facilitated and sometimes was obstructed by the Israelis.

1.2.1. Water:

i) General: Following the occupation, the Israeli authorities issued a number of military orders and administrative instructions affecting all aspects of water resources exploitation, distribution, use and management. Accordingly, all surface ground water resources were considered public property; authority over them was vested with the military commander (UNCTAD/ DSD/ SEU/2, para 94, p. 27, 1993).

According to Palestinian estimates, the population increased in the OPT from 976,000 on the eve of the occupation to reach 1.726 million in 1990, (Abu Eishah, 1993). This increase, combined with yearly per capita increase in water consumption increased the demand considerably, which exceeded supply, as shortages were observed in many locations especially in the summer.

The West Bank has a total annual renewable water capacity of 850 mcm, of which around 580-600 mcm were stored as ground water (estimated by researchers). Most of the ground water capacity was withdrawn and utilized by the Israelis without recognition of Palestinian right of ownership of utilization of their own resources. In 1990, the amount of water transferred from the WB & GS to Israel was estimated at about 515- 530 mcm/year out of the total West Bank supply of some 700 mcm annually, (UNCTAD/DSD/2, para 95, p.27, 1993), while that transferred from Israel to the OPT was limited to 0.60 mcm/year.

The West Bank Water Department was part of the Jordanian Authority of Natural Resources until the occupation. Until the survey was completed it was managed by a Palestinian engineer working under the direct supervision and control of the Israeli officer in charge of water. Management of all water resources in the WB was transferred in 1967 from the water department to the Israeli Water company Mekorot. Consequently, the responsibility of the water department was reduced to the collection of bills from municipalities and local councils, and minor technical office work.

There were no official Palestinian organizations responsible for regulating and managing the water environment (water resources exploitation and management, water quality and management, water quality and protection, and water supply). The full and direct control of these activities were in the hands of the Israelis. However, municipalities regional water authorities and councils managed and controlled the basic daily services (Abu Eishah, 1993).

International, as well as Israeli and Palestinian researchers argue that Israel had given the priority from the beginning for its water needs and also for its settlements in the West Bank and Gaza (FAO, para 77, p. C16, 1991). These were allowed as much water as they need while the Palestinians faced more restriction and watch their water resources depleted to serve the needs of their occupiers.

The Israeli Hydrological Service estimated that 95% of the potential in the West Bank was being used, but regards the problem to be a local case of both overexploitation and under utilization (FAO, 1991). Although this was true to a certain extent, responsibility for it was still that of the authorities.

The Report found that according to various available estimates at least three quarters of the water resources were being used by Israel (including settlements) and

probably less than one quarter was used by the Palestinians.

The FAO mission found problems in the maintenance, repair and replacement of pumps as permission to carry out any of these had to be obtained from the Civilian Administration. The procedure was usually slow and time consuming although the report noted some evidence of farmers delaying the action until the last possible time which resulted in loss of efficiency.

Demand for water by municipalities grew fast under the dual stimulus of expanding population and urbanisation. The overall picture was dominated by competition between Israelis and Palestinians for water supplies.

The Palestinians considered the Israeli water regime oppressive as it was oriented towards securing the greatest possible amount for Israel. The Israelis, on the other hand argued that they were only applying the same restriction they applied in Israel. (FAO, Para 94, p. C19, 1991).

Nevertheless, Palestinian farmers had their water supplies frozen at pre-1967 level, while large amounts of water had been made available to settlements in the West Bank and Israel. The main weakness in the Israeli argument is that until its occupation of the territories, the Palestinians had access to all their available water resources and that the idea of sharing their resources with their occupier was unacceptable.

A report by UNEP on the environmental situation in the occupied Palestinian and other Arab lands, quotes another FAO Report in response to the executive Directors report, 1989 as follows;

"The water supply is one of the main problems in the occupied territories, particularly Gaza Strip, where a report prepared by a UNDP consultant, specifies: "The deficiencies in the arrangements for disposing of sewage and other effluent and the need to improve water supply systems to rural villages pose serious health problems.", (UNEP, para 25, p 6, 1992).

Although water problems must be viewed in the wider context of water problems in the region, the Palestinians position with regard to water was not equitable as they were unable to control their own water resources while under occupation.

Israel closely controlled and restricted water use by Palestinians in the OPT after 1967. It changed the Jordanian legislation on use of water before 1967 and replaced it by Military Orders which required a license for any operation to use water. Such license could be denied without giving a reason (FAO Report 1991,c 91/10).

Overall, in the West Bank, Palestinians controlled 55.3% of the sources of water in urban areas, and 46.7% in rural areas. The rest was administered by the Israeli authorities either directly through Mecorote or indirectly through the West Bank Water Department. Water supply resources administered by local Palestinian councils had bore holes of limited depths and capacities. There was an urgent need for the rehabilitation of the existing wells and drilling of new bore holes with higher depths and stable yields (Bitar, Shaheen 92, Abu Eishah & UNCTAD 1993).

Water quality was another major problem, service and environmental engineers in Nablus municipality, expressed their concern over its quality. According to these professionals there were no water quality monitoring and treatment programmes in any of the urban and rural areas in the occupied territories. The only available treatment was chlorine which was added without proper supervision or accurate measurement. Laboratories were not available in most Palestinian cities, including Nablus, to test the water quality and determine its suitability for drinking. There was also no protection or supervision for the water tanks (Bitar Shaheen, Titi, 1992, UNCTAD, 1993).

According to Abu Eishah, the inefficiency and inadequacy of existing water utilities were mainly due to poor planning, limited exploitation of water resources, limited extent of

services in rural areas, high losses and leakage, lack of water tanks, and the deteriorating quality of water. Above all, was lack of an established central national institution which could develop a comprehensive plan for adequate and efficient water supply (Abu Eisheh, 1993).

Rates of leakage and unaccounted for water were high (more than 50% in some cities like Nablus); which was due to age of the existing water distribution system, faulty meters, and malpractice of some consumers. On the other hand, loss through distribution systems in Jordan reached 25%, (ibid).

ii) Nablus

Water supply before 1967:

The first water distribution system in Nablus was installed in 1934. The four springs of Ein Dafneh, Ras El-Ein, Qaryoun, and Ein El Assal, with a total capacity of 120 m³/hr, were used to supply drinking water to 17.000 inhabitants in the city. As the city grew, the water supply and distribution systems were expanded under the Jordanian administration. The capacity of these springs was enhanced and two wells in Dir Sharaf, to the west, were drilled in 1965 at a depth of 300 m and with a capacity of 50 m³/hr each. The total supply of water during the year 1967 was around 1.7 mcm/year (Abu Eisheh, 1993).

Water supply after 1967:

Water resources were very limited and had even decreased after 1967, as a result of restrictions imposed by the Israeli authorities on digging new wells and the amount of water available for Palestinian consumption. The decrease in water levels of some of the pre 1967 wells forced the municipality to abandon them due to the high cost of deeper digging and power. According to local officials in Nablus, Palestinians were not allowed to use new wells dug in the Badan and Faraa areas between 1978 and 1987.

In 1969 , the Israeli authorities drilled a bore hole at (Badan No.1) at a depth of 748 m & capacity of 200 m³/hr. After many petitions from the municipality it was allowed

to rent it in 1972. Badan 2 was drilled in 1979 at Al Faraa at a depth of 400 m and 430 m³ /hr capacity it started to operate in 1987 only. The two wells at Deir Sharaf stopped operating in 1982 and 1986. The municipality requested permission from the Israeli authorities to dig two more deeper wells to replace them, but in spite of promises, the permission was not granted (Shaheen, 1992). Water springs in Nablus supplied 1.629 mcm/yr and the municipality wells supplied 2,851 cmc/yr. The municipality had to buy from the Israeli authority's controlled wells of Bit Eiba (represented by Mekorot) to meet the increasing demand (Abu Eishah, 1993).

Number of water subscribers reached 19.000 in 1990. Municipality figures in Nablus estimated the loss of water (unaccounted for) to be between 50-60%. This was attributed to the old pipe network and pumps, inability to replace damaged parts, inaccurate meter reading, unaccounted registration and increased theft. From 1982, it had been difficult to maintain and regulate the meters. With the resignation of the council in 1988, there was no legal authority within the city to control development and to impose punitive measures when needed (Hanbali, 1992).

To keep the cost of water supply low, it was subsidized from the municipality resources (one m³ was sold at JD 0.60 while its actual cost exceeds JD 1.00).

As a measure of the demand increase, the number of subscribers had increased in most Palestinian towns relative to the increase in population. According to officials in Nablus municipality, the number of subscribers increased from 12,000 in 1978 to 20,000 in 1992. However the existing network did not have the capacity to cope with such increase. The available water was 650 m³/hour, while the need was for 1100 m³/hour, (Shaheen, 1992).

Engineers in the water department in Nablus complained, in addition to the shortage of resources and restrictions imposed by the Israelis on its use, of the maintenance

problems they faced; dealing with aging networks, lack of facilities and financial resources to obtain spare parts for pumps and pipes (A. Masri, & Shaheen, 1992)

The water network in the historic core of Nablus suffered the most serious damage. Built in 1932, it was the oldest network in city. Time, lack of maintenance, misuse, illegal connections and over-crowding in the old city often result in burst pipes and further loss of the already scarce commodity (W. Assi, Hanbali & A. Masri, 1992, Qamhieh, 1993).

During frequent visits to the municipality in 1992 and 1993, the author met with a number of residents at the water and maintenance departments complaining of the shortage of water and frequent cuts in supply for weeks mainly in residential areas but also in hospitals and public buildings. During both surveys the cut in water supply was frequently experienced by the author which, according to informants, became normal practice especially during the summer months. The steep topography meant that higher places suffered more due to inadequate pumping facilities.

1.2.2 Electricity:

i) General

As part of the Israeli plan to control the economy of the OPT, and to make it dependent on its own, it forced the linkage of the local electricity companies in major towns and villages to its own national grid (UNCTAD/DSD/SEU/2 para 103, p.29, 1993). The Palestinian producers of electricity were restricted from using their power stations and maintaining them, as they were not allowed to import spare parts or buy new units. Their role became limited to distribute electricity purchased from the Israeli Electrical Corporation (IEC).

Supply of electric power in the OPT consisted of locally generated power, and purchased power from the (IEC). Local Palestinian efforts to resist this linkage failed following

pressure of growth and Israeli refusal to allow them to develop their power stations, expand their installed capacity or maintain them, (UNCTAD,DSD,SEU/2, para.133, p. 38, 1993).

Share of generated power to the total supply declined since the linkage in the West Bank as the share of purchased electricity from the IEC was close to 95% out of the total supply. It is worthy of note that the only power station, which was still in operation, in any of the cities in the West Bank was in Nablus. However, since it was forced to link with the IEC, its share of electricity production became only 40% of the total distributed power in the district (Ibid).

An analysis of the evolution of overall consumption rates of electricity shows that total consumption of electricity per capita per year in WB increased from 33 Kw/hr in 1967 to 139 Kw/hr in 1972 and reached 274 kw/hr in 1980, and 462 kw/hr in 1990.

In Israel, total consumption of electricity per capita was ten times as much (4,492 kw/hr in 1989). In Jordan total consumption was almost three times as much per capita as that of Palestinians in the OPT as it reached 1,114 kw/hr in 1990, (Abu Eisheh, 1993).

Therefore, it can be concluded that demand for electricity in the OPT was not completely satisfied (Abu Eisheh, 1993). Abu Eisheh states that;

"The indicated low consumption rates are mainly because about 50% of the rural population has no regular electric supply or no supply at all at present. In addition, the non-household sectors, especially the developing industry and service sectors, do not consume high rates of electricity. The share of the household consumption to the total population reaches currently 50% in some places in the OPT while the respective share in Israel reaches only 29.1%." (Ibid).

In general, most towns and villages suffered from sudden disconnection of electric power which lasted for many

hours, shortage of transformers and overloaded lines, (Appendix A, below).

The rate of increase in demand, which was reflected in the apparent increase in consumption rates, indicates that if more electricity had been supplied, the demand and consumption rate would have been even higher. However, the study points out that most of the electric supply was not national supply and was dependent on IEC which should, therefore, be considered in planning future infrastructure and resources (Ibid).

Quality of servicing the electricity network according to UNCTAD was unsatisfactory as most towns suffered from frequent and sudden disconnections due to shortage of transformers and overloaded lines, (UNCTAD/DSD/SEU/2, para 105, p. 30, 1993).

ii) Nablus

Electrical supply before 1967:

Electricity services began in Nablus district in the 1950s when municipalities of major towns operated their own electrical power stations. Before that, services were not uniform and were mainly supplied through small generation companies or small owned generators. Overall, less than 5% of the total population of the district had electricity services by mid 1950's.

Nablus had had ordered electricity services since 1957, when the municipal electricity project was put into operation. Before that, service was supplied by private companies generators to less than 25% of the whole population in Nablus.

The municipal generation station began to operate in 1957 utilizing four small diesel units, with a nominal power of 900 kw. the capital investment at the beginning of the operation of the project reached JD 180,000. By the end of the year, total number of subscribers reached 1,300, of which 62% were domestic subscribers, 3% were institutional

and 5% were industrial subscribers. Consumption was very low, (ie the average consumption per factory ranged from 1200- 2400 kw per year).

Increasing demand required the municipality to expand every few years. The newly purchased generating units were operated with use of heavy fuel. By the end of 1966, total nominal generated power was increased 4-fold to reach 3,540 kw in ten years. Total cost of the expansion project was JD 250,000, and number of subscribers reached 9,120, of which 72% were domestic, 21,2% were trade, 4.8% industrial, and 1.5% were institutional subscribers.

The area covered by the project was limited to that inside Nablus municipal boundaries. However in 1965, an agreement was signed to supply the small neighbouring town of Anabta with electricity from Nablus, but technical problems and the 1967 war did not allow the connection to be completed. Overall the project was considered to be satisfactory in supplying the electric power needs of the population for domestic, lighting and small factory operations.

Electricity supply after 1967:

The establishment of Nablus Electric Corporation was authorized by the Jordanian Electric Authority in 1965. However, the Israeli authorities refused to recognize or allow such corporation to exist. Therefore, the electricity in Nablus continued to be produced by the municipality.

The Israeli authorities, however, refused all requests to develop and expand the electric power station in Nablus. Furthermore, the municipality was not allowed to import necessary spare parts for its old generating units, or to buy new units. Deterioration of existing units caused frequent and long power cuts, almost daily, (Abu Eisheh, 1993, App A, p 473). Results of the survey indicated that although more than half the respondents were satisfied with the electrical supply, 59 out of 60 respondents (98.3%) experienced power cuts. More than two thirds of them at least once a week (ibid).

Some progress was achieved in 1981 when permission was given to the municipality to import three new diesel units which was funded by Palestinians living abroad. Although initially this was expected to ease some of the pressure of demand, the improvement was negated as two old units broke down due to lack of maintenance and spare parts, (Hanbali, 1992).

By 1984 many villages to the west of Nablus and a year later suburbs to the east and west of Nablus were also linked to the Israeli national grid. The generated power from Nablus old generators continued to decline (from 96.4% in 1984 to 39.3% in 1990). Old generators and inadequate maintenance were the obvious reasons behind this increasing dependence on power purchased from the Israeli national grid. Only two of the existing nine generators were still operating in Nablus in 1993.

Electric losses in the system were around 15% of the total generated and purchased power. These were mainly caused by inefficiency of the old and the overloaded distribution electric grid. Due to lack of control and absence of authority after the Intifada there was the additional loss of 3-5% which was considered black loss. The age and lack of maintenance of the old generators led to higher consumption of expensive fuel, which also resulted in higher unit value of the generated power compared to that purchased from the Israeli National Grid (Ibid).

Table (8)

The increasing number of subscribers shows the pressure of increasing demand for power supply as follows :-

Year	No. domestic subscriber	No industrial subscriber	No inst/trade subscriber	Total
1966	----	----	---	9120
1970	7900	490	2380	10770
1980	15000	710	4260	20070
1990	19720	930	6010	26660

Source : Abu Eisheh, 1993

Table (9)

Increase in hourly peak loads

Year	load in mega-watts	load in mega-watts
	generated power	purchased from ING
1973	3.1	--
1980	5.6	--
1989	6.3	9.2

Source: Abu Eisheh, 1993

1.2.3 Sewerage Service:

i) General:

Sewerage services also suffered from lack of upgrading and maintenance in the OPT. The existing supply of sewer collection systems was not capable of fulfilling the increasing demand. There were no comprehensive treatment systems in most towns although facilities for partial treatment existed in some. Management of waste water disposal system was limited and most of the time it was left to run freely in valleys outside urban centres damaging the environment.

There was very little data to assist in the analysis of the evolution and development of this utility or to enable a comparison of supply/ demand characteristics with those of neighbouring countries (Abu Eisheh, 1993). An UNCTAD study found that both urban and rural areas suffered from inadequate sewage and refuse treatment and disposal facilities (UNCTAD/DSD/SEU/2, para. 190 (f), p.60, 1993).

In Nablus 75% of the population were connected to the main sewerage system by 1991. As a result of its steep topography, 58% of collected waste water flowed to the west and discharged into a wadi along Tulkarem road without any treatment. The remaining 42% discharged to the east also without treatment. The major portion of the existing sewers operated as a combined system with the storm-water disposal system. The municipality had plans for a treatment plant and for separating the two systems (Nablus Municipality

Report, 1991), which until the end of 1994 were still not implemented.

According to an environmental engineer who worked in the Health Department of the Israeli Civil Administration, problems of the sewerage network in Nablus and other Palestinian towns were very severe. He referred to examples of problems that had serious consequence on the Palestinian health and their environment such as; open sewers in both western and eastern areas of Nablus which sometimes mixes with the water wells causing water pollution. There was also no sewage treatment plants in most Palestinian cities. The projects planned in 1964 under the Jordanian rule such as that planned for Nablus were shelved after the occupation (Titi, 1992).

ii) Nablus:

In Nablus, like other places in the occupied territories, untreated open sewers were found running in the middle of towns. Liquid waste from factories in the town centre and the industrial area was disposed on the ground where it seeped through, destroying agricultural land and contaminating crops. The sewerage and storm water systems were combined. The network, built in 1960, was no longer sufficient for the present demand of the increased population.

Lack of upgrading and maintenance after 1967 resulted in frequent burst pipes and connections, blockage, overflow of manholes and consequently added pollution and service disruption. The major portion of the existing sewers, including all the old city, operated on a combined system that drains off the surface rainwater in addition to the sanitary sewage (Nablus Municipality, Sewerage Department Report, 1991). According to service engineers in Nablus municipality, there were no available comprehensive studies or statistics for present load, capacity and need, (Bitar, 1992).

1.2.4 Waste Disposal:

i) General:

There was little or no development in refuse collection and disposal services and no apparent plans for the development of garbage disposal or recycling in the OPT. The existing municipal collection services in urban centres suffered from shortages in containers, collection equipment and vehicles and of the size reduction facilities. The collection process was not organised on daily basis, and garbage was left in open spaces causing health hazards. The only solid waste treatment was by the incineration process without control and concern for environmental protection (Abu Eisheh, 1993).

Although responsibility of this service was of municipal and village councils, there was no sufficient number of workers in the departments who also lacked general education and proper training in handling solid waste. However, it was reported that some municipalities have purchased new vehicles and modern equipments in 1993.

ii) Nablus:

In Nablus landfill, where refuse was dumped, was only 300-500 m. from residential areas, where children were observed playing with the rubbish. The only treatment that was available for solid waste was incineration. There were no transfer stations with size reduction capabilities, (Ibid).

There was no proper programme for the collection of solid waste which accumulated in the centre of Nablus and there was no garbage disposal unit. The number of garbage collecting vehicles was not sufficient for the need of the city (four vehicles working two shifts only) which covered less than 25% of the need.

Accumulation of refuse/solid and liquid waste from street vendors in the city centre which increased during the Intifada, caused environmental pollution, health hazards and also blocked drains in the city centre (Titi, 1992).

According to Palestinian officials working under the Israeli Civilian Administration, accumulation of garbage for long periods without collection, due to long periods of curfews and shortage of municipal staff, meant that solid waste from houses, commercial and industrial areas was collected without control. Consequently, residents tried to get rid of the rubbish by burning it, the smell and smoke resulting from these fires increased the air pollution.

There was also no control for the use of solid, liquid waste or fuels in the whole of the West Bank. This was confirmed during the survey questionnaires, interviews and daily observation in all areas of the city. All respondents to the questionnaire complained of the state of hygiene in the centre of Nablus and 94.7% complained of the problem of pollution (Appendix A, Table 20 & 28).

Garbage incinerators were close to residential areas, which had a detrimental effect on the lives of human beings and animals and have destroyed close agricultural lands. The main incinerator to the east of Nablus, generated harmful fumes up to 10 km radius (Arab Studies Society Report, 1992)

In Nablus, solid waste exceeded 40 tons/day from the city and 100 tons/day from nearby towns and villages. Land allocated for garbage collection was already overloaded and expanding quickly.

Health studies conducted for Palestinian towns including Nablus indicated a sharp increase in illness and diseases related to the accumulation of garbage for a long time and the increase in insects and rats in these areas (Bitar & Titi, 1992). The only procedure used to get rid of the refuse was by burning it. This was a slow and often incomplete operation generating smoke and harmful gases which spread over a wide area around the incinerator, thus further damaging the environment (Nablus Municipality, Service Engineers Report, September 1992).

1.2.5. Public Safety and Quality Control:

i) General:

Public safety utilities and services (i.e fire fighting, rescuing, first aid and emergency services) in the West Bank was considered satisfactory to meet small scale demand. In cases of bigger operations and emergencies, assistance was sometimes required from neighbouring and Israeli centres as there were no regional centres, (Abu Eishah, 1993).

Absence of a local government meant that there was no Palestinian authority to control development and ensure the use of safe building materials and techniques. There were also no clear building regulations, health and safety codes or fire regulations that were observed or followed by professionals in the building industry.

ii) Nablus:

New buildings were constructed in Nablus without taking fire, health, and safety codes into considerations either from public or private sectors. Requirements for safe access, fire and emergency exits, ventilation were often ignored (Al Jabi, 1993), and deleterious building materials long banned in other countries were still used like asbestos. Building sites, where new public or private construction, was carried out were left with no protection and very often used as rubbish collection pits in the middle of towns and residential areas (Appendix A below, Plate Nos 22-26).

Absence of any legislation for quality control and lack of authority to implement it, together with lack of standard specifications for production in the OPT, turned the area into a dumping ground for Israeli products that did not meet Israeli specification standards. According to officials in the Chamber of Commerce in Nablus, products which had either expired or failed quality control tests in Israel found their way easily to Palestinian markets (Hashem, 1993).

Summary:

The decline in the expenditure on public utilities in the OPT provides a strong indication of its condition, (Abu Eishah, 1993).

It was difficult to obtain a clear per capita expenditure comparison as the Israeli statistics included the Jewish settlers and the cost of supplying public utilities to the settlements which formed a major part of amount spent in the territories. However, even with the assumption that all the expenditure was only benefiting Palestinians in the West Bank, it should not have been less than 25% of that spent in Israel in proportion to the population in each country ³¹.

Abu Eishah draws comparison between capital expenditure on public utilities in the West Bank in the year 1987-88 which reached only NIS 9.19 m (\$5.5m), and that spent in Israel which reached NIS 151.93m (\$ 90.98m). This meant that the amount spent in the West Bank was around 6-7.7% of that spent in Israel. In the year 1988-89, capital investment in public utilities declined to NIS 2.37m (70% less than the previous year).

This decline could be attributed to the Intifada, the subsequent resignation of the municipal councils, and the increase in the curfews imposed. Consequently, budgets for municipalities became smaller, and their income from fuel and real estate taxes, which was distributed through the Israeli authority, dropped considerably. The problems with various sectors of public utilities could be summarised as:

(1) Water :

1. Lack of planning
2. Shortages of water supply

³¹ This ratio is based on an approximate population figure of West Bank Palestinians in 1992, of 1,250,000 (PASSIA, 1994) or an estimated 1,492,000 Palestinians in 1990, (CEP, 1992) compared to 4,600,000 Israelis in 1990, (UN World Population Chart, 1990).

3. Limited water utility service
4. High losses and deterioration of waste distribution systems
5. Deterioration of water quality and lack of labs.
6. Lack of proper pricing policies
7. Lack of funding
8. Lack of training
9. Management

(2) Electricity :

1. Lack of planning
2. Shortages of power supply
3. Limited electric utility service
4. Overloaded electric distribution systems
5. Lack of proper pricing policies
6. Lack of funding
7. Lack of training
8. Management

(3) Sewerage, Refuse Disposal

1. Lack of planning
2. Limited sewerage utility services
3. Limited solid waste utility services
4. Lack of solid waste disposal
5. Lack of proper pricing policies
6. Lack of funding
7. Lack of training
8. Absence of labs
9. Management

(4) Public Safety and Quality Control

1. Limited public safety utility services
2. Lack of/ Inadequate public safety facilities and quality control regulations and implementation.
3. Lack of funding
4. Insufficient training
5. Management

SECTION 2: Environmental Conditions

During the data collection stage, There was limited reliable quantitative and qualitative data and statistics on environmental issues in the OPT. Therefore, this section is based on the integration of the information obtained from the limited available reports and studies by local and international organisations, interviews and observation and data obtained from the questionnaire survey where possible.

General:

The environmental deterioration in the OPT could be generally attributed to most of the factors which affect other developing countries. However, in this case, the literature points out that these factors had all originated from, or had been influenced by, the prolonged occupation and the subsequent policies and practices and institutional changes imposed by the Israeli authorities after 1967 (Chapter VI, section 1). These changes had a direct impact on the use of land and other resources, and the condition of services and infrastructure. It is therefore necessary to examine these policies and practices and try to determine their effect on the Palestinian environment.

2.1 Institutions, Management and Legislation:

The Ministry of Environment in Israel is the principal organ responsible for environmental matters. Although, in theory, the same environmental regulations and standards applied in Israel should have been applied in the occupied territories, in reality, the standards observed there showed a big difference to those in Israel and the settlements (UNEP, 1992).

During the occupation, the Israeli authorities showed little interest in protecting or improving the environmental conditions in the occupied territories. Neither the Israeli military establishment nor its Civilian Administration had any facility with environmental responsibility, (UNCTAD/TD/40(1)/8, para 60, p.24, 1993).

Absence of an indigenous central authority to encourage public environmental awareness, and prepare an overall environmental Agenda, together with ineffective local councils, had adverse effect on the Palestinian environment and quality of life (Ibid/para 61).

According to the UNEP report, one of the factors which was responsible for the unsatisfactory standard of services in the OPT, was the Israeli authorities total control of the administration, (UNEP/GC.16/5, para 83, p.18, 1992).

At the local level, Palestinian authorities were weak and lacked financial, technical resources and expertise in the area of environment. They were also ineffective owing to lack of mechanisms to legislate and enforce environmental laws and regulations (Chapter II & VII).

Scientific institutions and universities were confined to research and experimental work in this field due to lack of resources and absence of any government support. Even when attempts to establish an institutional nucleus for environmental protection had succeeded, competition and duplication drained their resources (UNCTAD, TD/B/40(1)/8 para 60, 1993)

2.2 Urban and Industrial Development:

The restricted municipal boundaries and inability of owners outside the municipalities to use their land led to overcrowding of urban centres, loss of green areas and further environmental damage.

Until the completion of this study, there was no overall strategy to identify the type and size of industry that could be economically viable in the occupied territories. Without comprehensive development plans for Palestinian towns, there was no clear indication where industries should be located, (Hanbali, 1992, Shkoukani, 1993). Although there were certain identified industrial zones in Palestinian cities such as Nablus, Hebron, Ramalla and Gaza, these zones were phased out for industries before the

occupation. Urban sprawl and residential development close to these areas meant that a lot of care and control was needed to identify the type of industry that could be allowed to function in such areas (ie, Nablus industrial zone became part of a large residential settlement of kufr Qallil and Balata).

As demonstrated in the previous section, service networks and infrastructure had not been maintained, upgraded or expanded to cope with either the new residents of these areas, nor with any additional load generated from any new industrial development.

Absence of an overall strategy and criteria for development, in addition to the fact that most of the land that remained under Palestinian control was privately owned, was expected to result in the loss of more agricultural land to industrial development with adverse environmental effects.

According to the UNEP report, with few exceptions, polluting emissions and effluent, noise and related adverse impacts were still limited (UNEP, 1992). However, the same report warns that the proximity of the occupied territories to Israel could expose them to environmental hazards originating from the industrial activity inside Israel if adequate environmental protection measures were not taken.

There is very little known, internationally, about the movement of hazardous waste between developed and developing countries. In developed countries, government controls, public awareness and pressure groups are making the disposal of such wastes in their countries very difficult. Therefore some of these countries are trying to relocate their most polluting industries in countries with weaker environmental controls, namely developing countries (Harris, p. 15, 1990).

There was evidence that such conditions existed between Israel and the OPT. Although, some could argue that it was

in Israel's own interest to ensure safe environmental practices in the occupied territories, in view of its proximity, and indeed the Israeli settlements, to Palestinian areas. However, very little information was available with regard to hazardous waste disposal in the occupied territories, which meant that even Israeli groups concerned about the local and global environmental issues could not effectively campaign or pressurize the government for tighter controls.

2.3 Ecology:

Environment as a whole was extremely fragile in the occupied territories. With serious shortage in water resources there was need for plant cover, sound methods of agriculture and soil management.

One of the adverse effects of the Israeli occupation was neglect of land by Palestinian farmers. This was due to superior employment attraction in Israel for Palestinian workers (excluding periods of security seige), flooding of Palestinian markets by Israeli cheap products, and general lack of security in terms of movement or future prospects (UNEP, 1992).

Long periods of curfew and internal security conditions particularly after the Intifada, restricted the Palestinian farmers' ability to attend to their land and forced them to neglect and sometimes abandon it. Entire crops were completely ruined in cases where the curfew coincided with the harvest. Valuable crops were extensively damaged by the IDF and Israeli settlers in the occupied territories, who had also caused serious damage to the environment by the felling and burning of trees and the destruction of valuable olive trees (B'Tselem 1992).

As a consequence of the neglect of land there had been a neglect of essential services and activities related to agriculture such as research, manpower, institutions, extension work and development of financial lending institutions.

The IDF destroyed mature trees and green areas within city boundaries for security reasons. This resulted in depriving the towns and the population of an important commodity. Trees in the middle of Nablus main city square and alongside Al Hussain Street were uprooted after the intifada for security reasons, (Hanbali, 1992, Touqan, 1993, Plate 38 below).

2.4 Israeli Activities:

In addition to policies and practices of the Israeli occupation authorities, which had both direct and indirect effect on the Palestinian environment, there were other actions which had an adverse effect on the environment including:

- 1) *Transfer of polluting industries:* Cases included;
 - a- the case of the reclamation and reprocessing of used motor oil from Israel, forced to close by Israeli pressure groups and therefore relocated in Palestinian areas-northern region of the West Bank- releases toxic and carcinogenic fumes. (UNCTAD/ TD/B/40(1)/8, para.59, p.24, 1993).
 - b- the location of an Israeli quarry close to Al Deheisha refugee camp in Bethlehem cause noise and air pollution, case taken to court and won in 1988 and was not moved until UNCTAD report was published, (ibid).
- 2) *Uprooting of trees as a form of collective punishment:* At least 150,000 trees have been uprooted after the Intifada (UNEP/GC.16/5, para 59, p.13, 1992 & UNCTAD/TD/B/40(1)/8, para 71, p. 27, 1993).
- 3) *Long successive curfews and general security problems:* This made access to land very difficult and dangerous for farmers who neglected the land and sometimes were forced to abandon it. It also created problems of soil erosion as terraces collapsed and whole mountains sides had lost their top soil (B'Tselem 1990/1991, p.55, UNEP, 1992 & UNCTAD, 1993).

Summary:

The deterioration of the urban and rural environment in the OPT can be summarised as:

(1) Urban :-

- Overcrowding of towns and cities as boundaries were not allowed to expand, (Chapt.VI & VII).
- Overloaded service networks and infrastructure and insufficient road stock, (Sect. 1 above).
- Shortage of open areas, parks and green fields in cities, (Chapt. IV, Sect. 2).
- Increase in traffic congestion within cities and consequently more air pollution from gas and fuel emission, (Sect. 1 above, App. A, & Table 25, 28).
- Illegal building including conversion of housing units to factories, exceeding allowed heights, horizontal projection on streets and adjacent sites with serious environmental implications, (Chapt IV, Sect. 2, App.A, p. 464 & 468).

(2) Rural :-

- Destruction of land suitable for rural development
- Damage to green cover, felling of trees and eradication of forests.
- Decrease in the area of land available for cultivation as a result of the confiscation of agricultural land for security reasons and for settlement building.
- Decrease in area of land available for grazing.
- Damage to crops resulting from settlers use of pesticides and weed killers.
- Decertification to what used to be/could be green areas.
- Restrictions imposed on the use of water by Palestinian farmers for agricultural use in addition to long periods of curfews and general security conditions prevailing in the OPT since 1987, forced Palestinian farmers to neglect their farms and sometimes to abandon it (UNEP 1992).

Conclusion:

During the occupation, the Israeli authorities were responsible for all policies and decisions related to the development of transportation, communication, public utilities, and infrastructure in the occupied territories. Most applications for new projects and expansion and upgrading were rejected or obstructed .

According to the World Bank Agenda for the 1990's, the determinants of urban environmental degradation in developing countries are identified in as;

- 1) Economic and Management Policies: absence of protective actions due to inadequate economic and management policies. Inappropriate measures such as under-pricing water and other services usually result in source depletion and higher levels of pollution.
- 2) Land Use: inadequate land use control or inappropriate land tenure systems usually hinder the effective use of land leading to over- regulation of land markets.
- 3) Curative Actions: inadequate curative actions such as the use of inappropriate technologies, inadequate investment in pollution control and insufficient control of environmental regulations.
- 4) Political Implementation: insufficient political will particularly when public environmental awareness has not yet been developed (World bank, Agenda for the 1990).

As was demonstrated above and in previous chapters, the Israeli authorities took few preventative or curative measures to control environmental degradation in the OPT, (Chapter V, Section 2). Israel also had the full control of land and its use which was mainly geared to serve its own political objectives, (Chapter VI, Section 1).

Therefore, the environmental degradation in the OPT under the Israeli administration can be contributed to all four determinants as identified in the World Bank Agenda.

In addition to the absence of any economic and management policies in the Palestinian territories after 1967 and of any measures to protect and improve the environment, the Israeli authorities policies and practices during the occupation had increased and accelerated the degradation of the environment. This was manifested by various legislation and enactments they imposed to control development, restrictions on use of land and other natural resources and other actions carried out by the army and the settlers in the occupied territories. This was corroborated by users views in the results of the questionnaire survey, (App. A, p. 464, 468, Tables 20, 28 & 29, & Plates 22-26)

Thus the condition of public utilities and infrastructure continued to deteriorate as a result of lack of planning, management, appropriate policies and funding during the occupation. The deterioration of these services resulted in environmental damage in rural and urban areas.

Furthermore, planning and development policies, control of land, water and natural resources, together with military actions, had also contributed to the degradation in the environmental conditions in Palestine.

Environmental Conditions

1. Blocked rain pipes in Zone "A"
2. Broken pavement and blocked drains in Zone "B"
3. Burst water pipe and broken pavement in Zone "C"



1.



2.



3.



1.

Environmental Conditions

Zone "C"

1. Inadequate protection of building sites and accumulation of rubbish in empty sites.
2. Empty sites used to dump rubbish creating health and environmental hazards.



Plate (23)

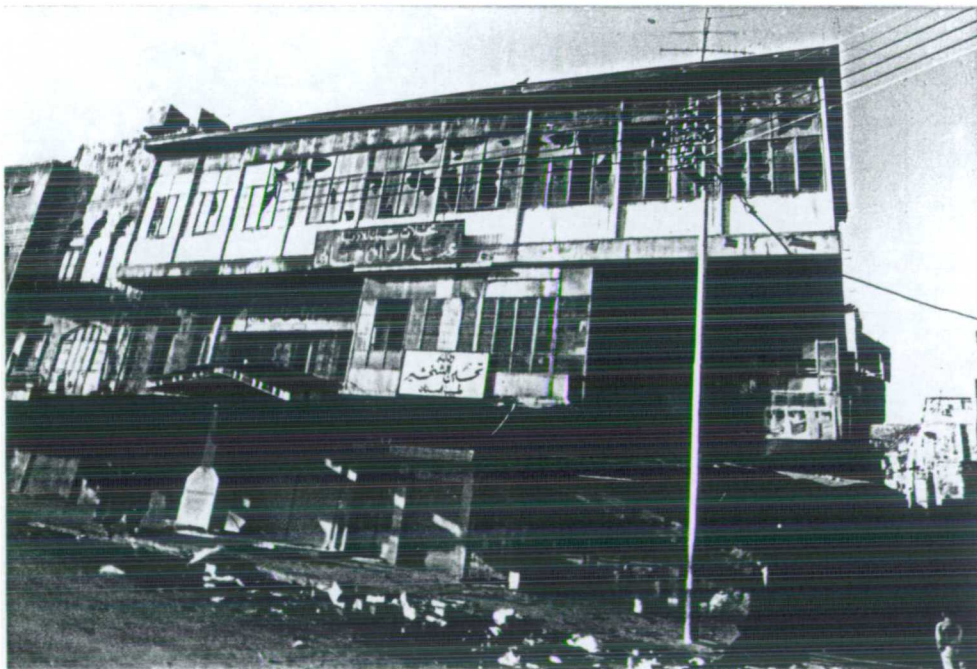
2.



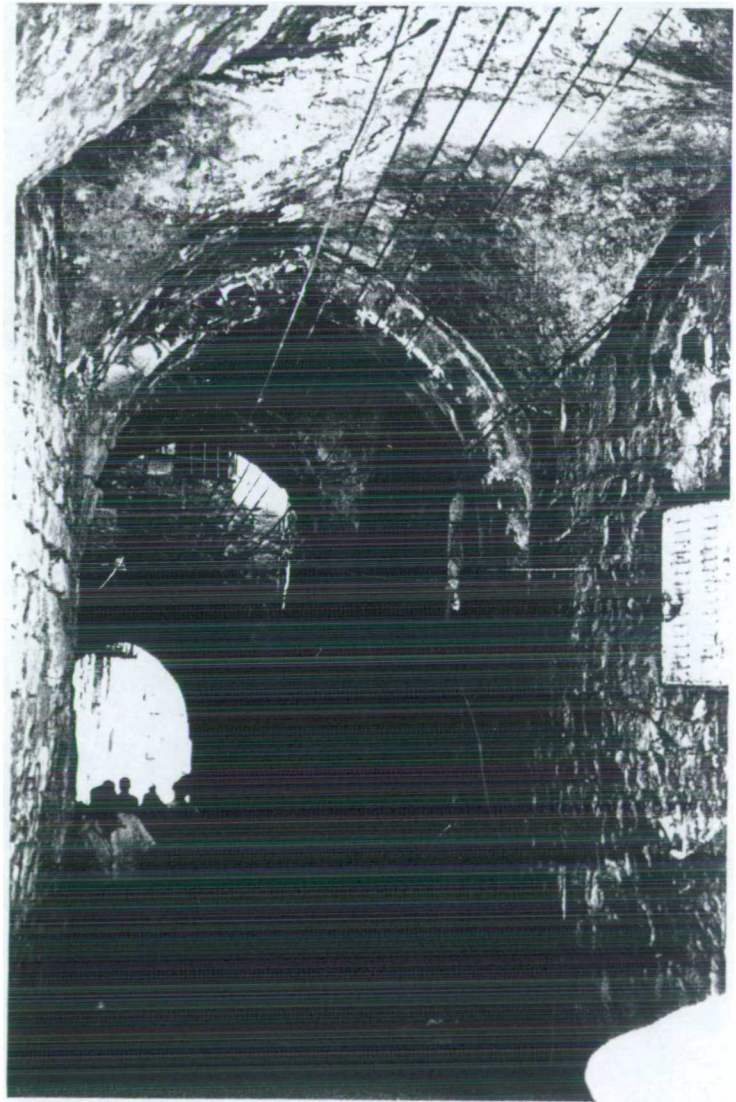
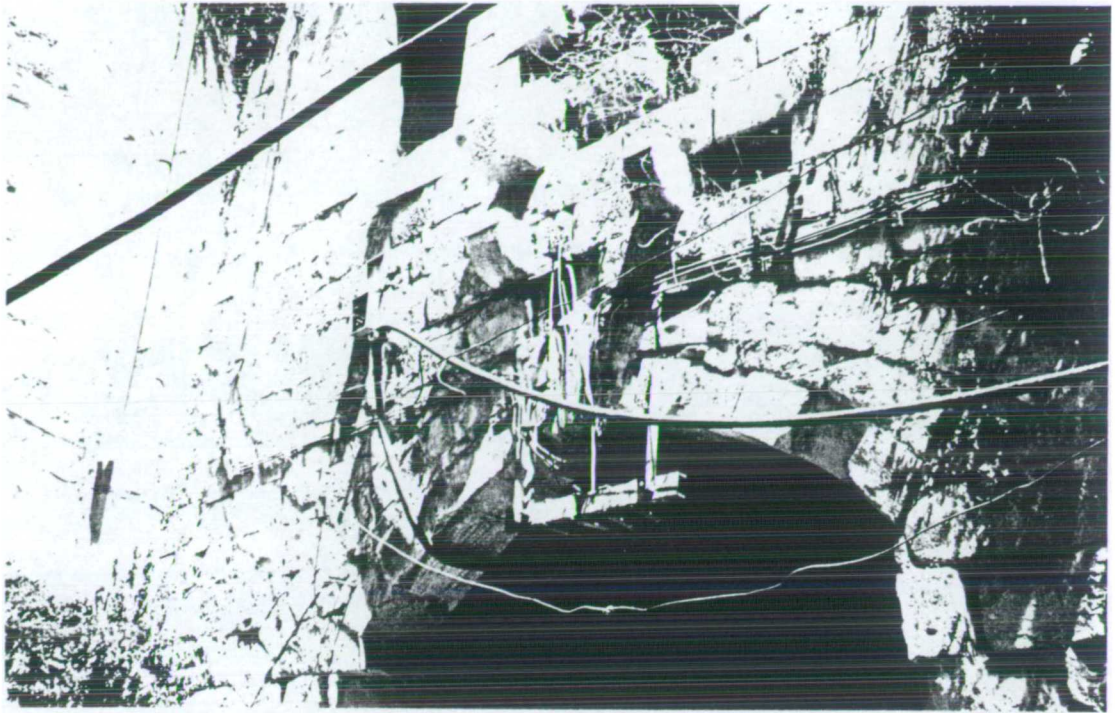
1.

Environmental Conditions

1. Rubbish accumulation in Zone "A"
2. Rubbish accumulation in Zone "B"



2.



Environmental Conditions

Exposed wiring and unprotected electrical connections; common practice in the old city.

Plate (25)



Street Vendors

1.

1. Entrance (security gate) to the old city.
Shopkeepers moved to the main square.

2. Street vendors in Ghernata street, Zone "B".



CHAPTER VI

The Israeli Administration of the Occupied Palestinian Territories, (1967-1994):

Introduction

The literature points out that, immediately after the occupation, the Israeli authority began to extend its control over Palestinian land and the local population by issuing and implementing military enactments dealing with every facet of civilian life, (Chapter II). An Israeli Military Area Commander was appointed and was endowed with all legislative, executive and judicial powers previously held under Jordanian and Egyptian governments. Thus, as will be demonstrated below, Israel embarked on a process of irreversible change to the administrative structures, laws and regulations that prevailed on the eve of the occupation much of which, as will be shown, had an adverse effect on the lives of Palestinians and the deterioration of their towns.

Contrary to international laws ³², governing one country's military occupation of another, Israel took permanent and drastic measures to change laws, impose restrictions on movement, and the personal freedom of Palestinians and their ability to build, expand, invest or benefit from outside aid and investment. It also engineered plans to move the local population out of their land and property, and to move its own population into the occupied territories to replace its original owners.

All through the occupation, Israel ignored all United Nations Security Council resolutions and the international community's continuous demand for its withdrawal from the territories it occupied in 1967. It also defied all resolutions to halt the process of land confiscation, building of Jewish colonies on Palestinian land and the expulsion of Palestinians from their country.

³²

Refer to:

- The Hague Regulation, 1907
- Fourth Geneva Convention, 1949
- United Nations and Security Council Resolutions, reports and directives on the Palestinian Occupied Territories and the Question of Palestine between 1967-1994.

In addition to imposing restrictions on land use, building and development permits and on the powers of municipal councils, the Israeli administration made little attempt to address the problems and needs of the local population and its welfare. The Israeli policies and restrictions created a situation of fear and uncertainty amongst the Palestinian population which discouraged them from investing in the improvement of their towns and living conditions which will be further described in Chapter VIII below, (Tables 17 & 18).

The aim of this, and the following two chapters is to explore the Israeli administration's policies and practices and examine to what extent did these affect the prospects for urban development in Palestinian towns in general and the physical condition of the built environment in Nablus, as a representative case. It will analyse the various policies and practices, that are believed to have created obstacles to development, to demonstrate how each factor contributed individually and collectively with other factors to the deterioration in the built environment.

To enable an understanding of how structures and powers of various institutions were changed, and how amendments and additions to original laws were introduced, the relevant military orders, that were directly responsible for these changes, are examined. It is also important to study how these orders initially evolved and were gradually amended. More significantly, how they have been implemented to provide greater controls on the occupied population and its territories.

It is neither the intention nor is it within the capacity of this research to present a thorough comparative analysis of all the legislative and administrative changes that took place under the occupation between 1967 and 1994. This section will therefore only examine the changes that might have had an impact on urban development and the ability of Palestinians to carry out policies to improve their built environment and living conditions. As this covers a wide

range of issues, each worthy of a separate investigation, only a summary of the changes that highlights the aspects directly related to the subject matter are covered here.

Following this, the impact of the various restrictions imposed by the complex network of military orders and security measures enforced by the Israeli administration is examined on:

1. the prospects for the development of Palestinian towns and on plans to improve physical and environmental conditions;
2. the ability of Palestinian local authorities, professional and academic institutions to play an effective role in the urban development of Palestinian urban centres; and
3. the willingness and ability of building owners and users to invest in the improvement of their environment, and the expansion or upgrading of their properties and business and to contribute to the development of their towns.

This and the following two chapters will present evidence based on the integration of data collected and obtained through documents and literature, available at the time of the study, interviews and the questionnaire results and the authors own observation, (Chapter III, Sect. 1, 2, 4 &5).

SECTION 1: Analysis of Military Orders concerning planning issues and construction procedures:

The Israeli authorities started issuing military orders from the first day of the occupation. These have been used, as will be demonstrated, as tools to control the occupied population, its movement, actions, ability to use its natural resources and to restrict future social and economic development prospects. This section examines how the orders evolved and developed to demonstrate the extent of control that the Israeli authorities have achieved by issuing these orders.

The following military orders were selected out of over 1500 orders (1377 numbered) ³³ and their implications analyzed to illustrate how certain disciplines related to urban development, came under the total control of the military authorities soon after the occupation and to what effect. The list is by no means exhaustive.

1.1 Acquisition of land and natural resource and control over their use:

1.1.1 Acquisition and Control of Land:

Immediately after they seized the Palestinian territories, the Israeli authorities used a variety of methods to bring Palestinian land under their command. Some of the first Military Orders issued in the early days of the occupation dealt with the issue of land control. UNCTAD reported in 1987 that 90% of Palestinian land seized by Israel was privately owned (UNCTAD/ ST/SEU/3, 1987,p.2). The following is a summary of the methods used and the relevant military orders, issued to "legalise" the confiscation procedures, (Table 10).

³³ M.O. No.1377 issued 12.7.1992 was the last numbered order issued at the time the survey was completed. Apart from M.O. 1369 issued in December 1992, an unquantifiable number of M.O.s was yet to be issued. Most of the numbered orders were published chronologically, although that was not usually the case of unnumbered orders (JMCC, 1993).

(a) Land considered "Absentee Property"

- Military Order 58 (23.7.1967), concerning Absentee property deals with what the authorities called "abandoned property". The absentee property is defined in the order as "property whose legal owner, or whoever is granted the power to control it by law, left the area prior to 7 June 1967 or subsequently." In practice this order allows the Area Commander to appoint a custodian of absentee property to whom any right that was previously granted to the owner was to be automatically transferred. In reality, "absentees" refer to the Palestinians, from the West Bank and Gaza Strip, who either; 1. were out of the country at the time the war broke out in 1967 (many at the time were working in other Arab countries and abroad, or studying at Arab universities), or 2. fled the territories as a result of the war. Although hundreds of thousands of Palestinians came under the above categories, very few were allowed back to their homeland and lost their right to claim their property as a result. Many Palestinians were also expelled from their country for what Israel described as security reasons.

The Israeli authorities refusal to allow those Palestinians to return to their homeland had far reaching consequences including the separation of many families and subsequently the inability of those members who were allowed to stay to use their land and property.

Theoretically, according to the order, the custodian should have returned the property or a similar property to the owner if he returned "legally" to the area and could prove his/her ownership. However, very few absentees were allowed to return and the proof of ownership was usually very difficult to establish as will be discussed below. More significantly, Article 5 of the order states that;

"any transaction carried out in good faith between the custodian of absentees property and any other person, concerning property, will not be void and will continue to be valid even if it is subsequently proved that the property was not at that time absentee property".

In effect, the order gave the authorities under the guise of custodian of absentee property, the right to take over and control Palestinian land regardless of the residency status of its rightful owner.

Other orders followed extending the powers of the custodian such as M.O. 150 (23.10.1967), which also gave him control of company shares belonging to any absentee owner;

"Any company with absentee share-holder should report the fact and provide appropriate documentation. The appropriate authorities have the right to take control of the assets and running of any business owned by an absentee person. All money and dividends due to a person residing in a hostile state will be deemed an absentee's money".

The significance of the last paragraph is that it affected the property and money owned by the majority of exiled Palestinians, who were not allowed to return. Most of whom lived in other Arab countries which were considered "hostile" as they were all in a state of war with Israel.

(b) Land declared "State Property"

- Military Order 59 (31.7.1967), concerning state property was issued soon after the occupation and enabled the Israeli occupation authorities to declare vast areas of Palestinian land as "state property" under various pretexts. The order defined state property as;

- i. All property which on the specified date (i.e. 6 June 1967) pertained to one of the following:
 - (a) the enemy state,
 - (b) a juridical body in which the enemy state possessed any right, whether directly or indirectly, and whether the right referred to control or not;
- ii. Property which was registered on the specified day in the name of one of the above two;
- iii. Property in which one of the above two was a partner on the specified date;
- iv. Property in respect of which on the specified date one of the two mentioned in (i) above was either the owner in partnership, or a registered owner, or was in possession.

According to the order property could be both movable and immovable and included items such as money, bank accounts, vehicles, transportation equipment, quarries and mining areas. The state property was placed under the control of the Custodian of state property who had the jurisdiction to negotiate contracts, manage, maintain, develop or otherwise dispose of the property in whichever way he deemed necessary.

Furthermore, Article 5 of the order states that;

"every transaction made in good faith between the custodian and another person concerning property the custodian considers, at the time of the transaction, to be state property, shall not be cancelled and shall continue to be binding even if it is proven that the property in question was not state property at the time when the transaction was made" ³⁴ .

The significance of the above article is that it did, in effect, allow the custodian the freedom to deal with any land whether it was state property or not. According to Shehadeh, a careful reading of this order in its original unamended form reveals that it was intended to enable the Custodian of Government property (which office was created by M.O. 59) to assume control over and to manage the property of the Jordanian government (Shehadeh, p.27, 1988).

The law regulating land ownership in the West Bank is the Ottoman Land Code ³⁵, which was amended over the years by

³⁴ Quote cited in "Israeli Military Orders 1967-1992", JMCC, p.9, 1993.

³⁵ According to the Land Code, all lands in the WB are classified into the following categories :

1. Wakf land: lands dedicated to pious purposes
2. Mulk land: lands that were initially given out by the Ottoman Sultan and, then, ruler of the area to Muslim residents and the Kharaj lands to the non-Muslims;
3. Miri, Matruk, and Mawat land: Considered by the Israeli authority as state lands. Miri lands are lands which the Ottoman Emir did not allow to be dedicated to Waqf or given out as Mulk. It continues to remain under the Emir's jurisdiction who would grant its use to the public.

the British and the Jordanians. The theoretical basis of land law in the West Bank was the Jordanian Law ³⁶. At the time of the occupation only one third of the land in the West Bank had been registered according to the "Settlement of Disputes over Land and Water Law". According to Shehadeh, the inspection of records of land registered before 1967 shows that only 13% of land in the West Bank was in fact registered in the name of the state. It was never the practice of the Jordanian government then, nor is it the practice of the present government to consider lands except lands falling in the Waqf and Mulk categories as state land.

However, Jordanian Law No. 49 of 1953 removed all the restrictions previously imposed on the extent of use which the possessor of miri land could make of the land, thus removing any practical difference that existed between powers of the owner of mulk land and the owner of miri land. Furthermore, Jordanian Law No. 41, 1953 transferred all miri lands falling within municipal boundaries as mulk land. The present Israeli policy was to consider all miri land as "state land" (Ibid, p.24).

M.O.59 also allowed the Military Commander to declare uncultivated, unregistered land as "state land", unless the ownership could be proved to the Ministry of Justice and the Military (later "Civil") Administration.

According to the Ottoman Land Code, land which had not been under cultivation by its owner during the previous ten

³⁶ In theory, the basis of the English land law is similar to this law. All the land came into the ownership of the crown after the Norman invasion when it was acquired by conquest. The crown gave out land to the people to use in accordance with different tenures. However, the maxim "no land without a lord" has always applied, and the ultimate lord is the crown. In practice, the only lands which are in the actual ownership of the crown are those areas classified as crown-hold. The rest are in the actual possession of their registered owner or user (Shehadeh, 1988).

years and to which proof of continuous cultivation could not be produced, was considered "state land" and, therefore, became eligible for expropriation. This was also extended, by the Israeli authorities, to include land the Israeli army and Jewish settlers had destroyed and uprooted its fruit bearing trees and olive trees, which were planted by the Palestinians. Thus, such land was later reclassified as "uncultivated" and subsequently confiscated.

The order also states that no one could have ownership claims to land improperly registered or surveyed. In addition to the high cost of surveying and registering land, and inaccessibility of the land registration Department to Palestinians, the Israeli authorities stopped the process of land registration after the issue of Military Order 291 (19.12.1968).

The difficult requirements of "satisfactory" proof of ownership of unregistered, uncultivated land, together with the restrictions imposed on cultivation and the systematic destruction of cultivated land resulted in vast areas of land becoming "state" land by default. Consequently hundreds of thousands of donums ³⁷ of land were seized and confiscated.

- Military Order 364 (27.12.1967), superseded M.O.59 by expanding the definition of "state property" to include any property the owner of which was unable to prove before a military committee that it was his private property (according to the rules of evidence which they determine). The order helped in expediting the transfer of more Palestinian land to be used for building Jewish colonies by declaring it "state" land. The order rendered;

"a mere declaration by the authorities that land is state land, is sufficient proof for the land to be considered as such until the opposite is proven".

Thus, the burden of proof lay not on the party making the claim but the party contesting it.

³⁷ One donum equals 1000 sq. meters.

- Military orders 321 (28.3.1969) and 949 (30.11.1981) amended Jordanian Law of Expropriation 2, 1953 and transferred all appointments made or jurisdiction granted under this law, by the Jordanian government, to the Israeli Officer in Charge. The consequence of the order was that it allowed the Israeli military authority to seize land for "public purpose" which was subsequently transferred to be used for establishing and expanding Jewish colonies. The owners of land declared "state land" were subject to heavy fines and imprisonment if they resisted the confiscation order.

These orders brought about serious changes to the Jordanian Law including the introduction of a military authority appointed by the Military Commander which was given all the powers and privileges originally vested in the Jordanian government. More significantly it cancelled the requirement to obtain the approval of the Council of Ministers and the endorsement of the King, the necessity to publish the approval, and the requirement to submit the pertinent documents to the land registrar, when the body seeking the expropriation order was appointed by the Military Commander.

(c) Land declared "Closed Military Areas"

- Military Order 60 (6.8.1967), concerning closure of certain areas as military training zones for "security provisions". The order specifies the zones to be closed and was followed by other orders specifying more closed areas.

In 1970, Military Order 378 (20.4.1970), gave the military Commander the power to declare any area a closed military area. By 1985, 23 closure orders covering over one million donums were issued. Although the requisition of land should not in theory affect the ownership of land, the restrictions it imposed on possession and use effectively removed it from the control of its rightful owner.

The acquisition of land by this method was used under the pretext of the Fourth Geneva Convention which allows the

seizure of land for military purposes, and continued to be used between 1968 and 1979. The fact that such land was used for building Jewish settlements was challenged in the courts successfully in the Elon Moreh settlement case in 1979. The settlement was to be built, like many others, on private land declared a military closed area.

Although the judge ruled for the claimant, his ruling in the case facilitated a more "legal" course for the military authority to pursue. By ruling that international law prohibits the taking of private property, the court suggested to the government that it would hold differently if the property seized were not private property (Shehadeh, p.21, 1988). The court required two conditions on any future recourse to the high court in cases of land requisition or possession by the military authorities according to Shehadeh;

- "1. Only seizure of privately owned land could be prevented or reversed by recourse to the High Court,
2. The high court was not prepared to intervene in any dispute over the ownership status of land" (Ibid).

In effect this meant that if a private owner petitioned the court over the authorities decision to declare his land state land, the court was unwilling to consider it. The settlement of Elon Moreh was later built on "state land", a short distance from the original site. Thus, the main method of acquisition of land used by the Israeli authorities in the OPT, since the Elon Moreh case, was by declaring it state land.

(d) Land Declared Nature Reserve

Military Order 363 (22.12.1969) establishes the jurisdiction of the nature reserve authority and lists areas declared as Nature Reserve Areas. The order was amended by 19 other orders between 1969-1984, some of which declared more areas under this category such as M.O. nos. 554, 751, 803 and 894.

The declaration of land as nature reserve did not result in its confiscation, but in the prohibition of its use for any other purpose. Since the Israeli authorities had transferred areas designated as nature reserve under the British Mandate to the establishment of Jewish settlements, Benvenisti argues that "nature reserves are considered by the authorities as an integral part of the land seizure programme". By 1985, 250,000 dunums had been seized under this pretext (Benvenisti and Khayat, 1988).

(e) Restrictions on Registration and Subdivision of Land
- *Military Order 291 (19.12.1968)*, concerning settlement of disputes over land and water. The order amended the Jordanian Land and Water regulation Law 40, 1952 and halted the process of land registration. Consequently, since 1968 Palestinians were unable to register their lands, which in addition to the requirement to prove continuous cultivation, allowed Israel to confiscate vast areas of land.

The order also gave the Military Commander the jurisdiction to cancel any regulation in the law or any land or water transactions even if these were ratified by civil courts.

Restrictions imposed on the transfer of land and on its subdivision further impeded the ability of Palestinians to develop it. In this instance Israel followed Jordanian Law no. 79, 1966 Article 28, which required the subdivision of land or parcellation schemes to be; "in accordance with a planning scheme approved by the local commission". The Jordanian law required that parcellation schemes followed approved outline and detailed plans.

The Jordanians had little time to prepare such plans to enable the enforcement of the Law. However, between the issue of Law 79 in 1966 and the war of 1967, the Jordanian authorities continued to give permits despite of the lack of plans. Israeli planning authorities

continued this practice for few years after the occupation and until the Likud government was elected and the Central Planning Department came under the control of more extreme elements of the administration.

The Israeli authorities also did not allow the subdivision of land and its re-registration under more than one Palestinian owner's name, as would be the case of an estate inherited by a number of persons. According to Coon,

"With large families, most inheritances are divided, so it seems likely that well over half of the land which was registered in 1967 is not registered in the name of its present owner; hence only about one sixth of the West Bank is registered in the name of its present owner. Permission to subdivide the rest is rarely given, and consequently building permits are withheld" (Coon, p.115, 1992).

The inability of Palestinians to register their land or to subdivide it became one of the main obstacles to development as the Israeli authorities rejected applications for building permit if the applicant was not the registered owner of the land.

This is not a requirement under Jordanian law, which also considers that land title may be proved by purchase and use. In Jordanian Law no 79, article 2(26), the owner is defined thus;

"Owner in relation to any land or building means the registered or reputed owner thereof and, includes: partner, trustee, agent, person receiving rent, occupant,... person holding a building permit for the land or building,... architect, builder, contractor or their representatives."

The categories of land which the Israeli authorities refused to subdivide, and consequently the owners were unable to develop include:

- (a) unregistered land: which comprises two thirds of the land in the West Bank;

- (b) land registered in more than one name: either because it was originally registered under the family name, or if it was inherited by more than one member of the family;
- (c) land incorrectly registered: either incorrectly recorded in the registration records as a result of surveying error or in an attempt of owners to under-represent it for tax reasons;
- (d) absentee land and land falling under the conditions detailed in section.. above;
- (e) land seized by the Israelis: by methods detailed in items 1-4 of this section (Coon, p.116, 1992)

In conclusion, the Israeli authorities required each building on its own plot which was registered in the single name of the applicant. As discussed above, most of the land was either unregistered, incorrectly registered, registered under more than one name, or was already seized by the Israeli authorities for any of the above reasons. Since the authorities halted the land registration process in 1968 most land owners were unable to subdivide their land or obtain a building permit.

According to Coon, there were very few formal plots which qualified for obtaining a building permit outside municipal boundaries. The Civilian Administration required that any applicant should prepare a detailed plan for his plot. Apart from the cost involved in preparing such plan, it usually had a low chance of success.

In later years, the Civilian Administration also required applicants within municipal boundaries to prepare a detailed plan where plot boundaries need to change to allow any development to take place. This requirement created a serious obstacle to development and further undermined the role of municipalities (Ibid, Table (9), p.120).

Table (10)

METHOD	PERIOD	LOCATIONS AFFECTED	AREA SEIZED (hectares)
1. Declaration as "Abandoned Land"	Mainly 1967; also 1967 to present	Widespread; towns as well as rural areas	7,333 seized ¹ (1973) plus 35,800 identified ¹ (1973)
2. Compulsory acquisition 2.1 Israeli Law	1967 to present	East Jerusalem only	2,000 + ¹
2.2. Jordanian Law (as amended)	Mainly since 1980 ²	Main roads and access roads to settlements, also settlements in early 1970s ¹	5,000 ¹ plus 10,000 identified for purchase ³
3. Purchase from Arab owners 3.1 by Hamanuta 3.2 by Israeli companies	1979 to present ²	? ?	} (believed to be small)
4. Requisition for Military Purposes	1968 - 1979	Approximately 30 locations ¹ ; used for Jewish settlement as well as military purposes.	4,668 ¹

METHOD	PERIOD	LOCATIONS AFFECTED	AREA SEIZED (hectares)
5. Declaration as "State Land" 5.1 Taking possession of Jordanian government land	1967	Land registered in the name of the Jordanian government — mainly in Jordan Valley, and military bases	52,700 ¹
	1968 - 1976	Other land presumed to have been in the ownership of the Jordanian government	17,300 ¹ (1980)
5.2 Declaring additional land to be state land	From 1980 ¹	Uncultivated and unregistered land ... ie. mainly away from villages, and in the south Unregistered land	110,000 (at mid-1984) ³ 30,000 (at mid-1984) ³ identified for seizure
6. Closure for Military Purposes		Mostly in the Jordan Valley. Most but not all of this land has been seized and is included in categories 1, 2, 3 or 4.	c. 100,000 ³

¹ Halabi, Usamah, Turner, Aron, Benvenisti, Meron *Land Alienation in the West Bank — A Legal and Spatial Analysis* West Bank Data Base Project, Jerusalem, 1985.

² Shehadeh, Raja *Occupier's Law* Institute for Palestine Studies, Washington DC, 1985.

³ Benvenisti, Meron and Khayat, Shlomo *The West Bank and Gaza Atlas* West Bank Data Base Project, Jerusalem, 1988.

Methods of Land Seizure

Source: Coon, 1992

Coon summarizes the dilemma which faced Palestinians with regard to development permits, thus;

"It works like this: The Israelis have stopped the process of land registration- so most Palestinian land is not formally registered- so the Israelis do not recognize ownership rights to that land- so they do not allow subdivision of that land- so they refuse development permits." (Ibid, p.114).

1.1.2 Control of Water

Military Order 92 (15.8.1967), concerning Jurisdiction over water regulations, this order amended the Jordanian law on water. It vested all powers defined in any Jordanian law dealing with water in the hands of an Israeli officer appointed by the Area Commander. *Military order 158 (19.11.1967)*, prohibited the construction of any new water installation without a permit. It gave the Officer in Charge the right to refuse a permit, revoke or amend a license, without justification. *Military order 291*, discussed above declared all prior settlements of disputes regarding water invalid, thus increasing the jurisdiction of the Officer. Order 291 above also rendered all settlements of disputes regarding water no longer valid, thus increasing the jurisdiction of the officer.

1.2 Control of planning and construction procedures:

In addition to orders issued concerning the control of land and restricting its use, two military orders were issued in the early years of the occupation which had serious implications for the lives of Palestinians and the development of their land. The orders, their subsequent amendments and rigorous implementation by the Israeli authorities completed the circle of full control, by the occupier, of all planning, building and development activities of those under his occupation.

1.2.1 Restrictions on Construction works:

Military Order 393 (14.6.1970) concerning supervision of construction works gives the area Commander the jurisdiction to prohibit, limit, halt the construction of any building if he thinks that it endangers the security of

the Israeli military forces, and to demolish or take down any building or part of a construction which defies this order.

1.2.2 Changes in Planning laws and administrative structures:

(a) Historical Background of Town Planning in Palestine

Ottoman Laws:

Statutory town planning had been established in Palestine since the later stages of the Ottoman occupation in the 19th century. The Ottoman Laws provided for the registration of land and established land courts and relevant jurisdiction. Although the system regulating rights of land, ownership and tenure was complex and caused confusion, the law governing land use became more sophisticated. It dealt with strategic issues such as planning and construction of new roads and railways, establishing transport networks and other utilities ³⁸.

At the local level, the municipal council was given powers relating, amongst other things, to the provision of streets and pavements, construction of public buildings, markets, water pipelines and expropriation of land for public use. The Ottoman system remained for most part in force throughout the Mandatory period and for another twenty eight years under Israeli law (Fruchtman, Chapter II, p.22, 1986).

British Mandate Ordinances:

Town planning under British Mandate in Palestine maintained most of the Ottoman laws. It brought more refinements and additions and was largely based on British legislation. The Central Mandatory government, however, exercised more powers in Palestine.

³⁸ The Ottoman planning laws were based on 19th century Law of Administration of Vilayet, 1871; Law of Construction and Alignment of Streets, 1891, cited by Fruchtman, 1986.

A lot of progress was made in town planning under the British Mandate. It was regulated by Town Planning Ordinances of 1921 and 1936. Under 1921 Ordinance, skeleton schemes were prepared for designated town planning areas including Jerusalem and Nablus (Coon, p.40, 1992).

The 1936 Ordinance established the District Commissions, a middle level of planning authority between the central and local authorities, and a comprehensive system of development control was achieved. A new Ordinance was published in 1945 in Palestine but was never enacted.

(b) Jordanian Planning System:

Although the Jordanian Planning Law is generally based on a combination of Ottoman and British Mandate Law, the 1936 Ordinance remains the basis of all subsequent planning in Jordan, and in Israel to a great extent.

On the eve of the occupation, the planning law that prevailed in the West Bank was the Jordanian Law of Cities, Villages and Buildings, No.79, 1966. The law superseded the Law of Planning for Cities, Villages and Buildings no. 31, 1955.

In theory, planning legislation in the West Bank has maintained all plans and regulations prepared under previous legislation. No new plans or regulations were published after 1967 in the OPT, and it was not clear which of the original plans and regulations were still in force (Coon, 1992).

Planners who worked at Nablus municipality at the time the survey was carried out, stated that they believed some plans existed although they could not produce evidence of any. The Israeli planning Department was inaccessible to this author to verify the information (Chapter III, Sect.1)

Planning Authorities: The Jordanian Planning authority constitutes a multi level hierarchy. Under Law 79, 1966, three levels were established representing central,

district and local authorities (re. Section I, articles 4-10 of the Law).

The Central Authority is represented by the Higher Planning Council (HPC) headed by the Minister of Interior with representatives of municipal councils, relevant ministries and professional institutions; the District Committee level, headed by the Governor, also includes representatives of various ministries, and a representative of the relevant local authority. The Local level is represented by elected Municipal Councils or elected Village Councils. A Central Planning Department was established to act as a consultant to the HPC and other committees, prepare surveys and plans, provide technical advice to the HPC regarding plan preparation and approval, and the granting and appeal of building permits.

The Law also provides for a hierarchy of three development plans (regional, skeletal (outline), detailed plans and a plan for the subdivision of land "parcellation plan" (re. Table No.)).

Section (III) of the Law details all the information and regulations required to be shown on the various plans, their extent and contents.³⁹

The plans vary in the level of their details. The Law requires that development should be carried out according to the following plans:

1. Physical and Social Survey Plans: prepared by the Central Planning Department (Article 14).
2. Regional Plans: These are prepared when the need arises by the Central Planning Department for all regions in the Kingdom (Article 15). The Regional Plans show location of towns or their new extended

³⁹ The authorities responsible for the preparation of these plans are included in the description of duties of each authority in Section (I) of the Law (re. Table No..).

- boundaries, general zoning, roads, transport, infrastructure and communication at the regions level.
3. Skeletal Plans: These are prepared by the relevant Local Committees for all towns in the Kingdom (Article 19). The Skeletal Plans (outline plans) contain all land use in the area covered by the plan, including prospects for urban and socio-economic development in that area. The plans show in more detail zoning of various uses and public utilities with detailed building regulations.
 4. Detailed Plans: These include:
 - i) Plans prepared by Local Committees for various parts of towns in accordance with the Skeletal Plan (Article 23).
 - ii) Combined Skeletal/Detailed plans for villages and small towns prepared by their respective local authority (Article 23-2).

These are prepared for areas within an approved Skeletal Plan. A Detailed Plan includes location of various public buildings, plot sizes, setbacks and elevations. It also classifies areas of special historic or architectural values and identifies areas for redevelopment or expropriation for public use.

5. Parcellation Plans: Prepared by the Developer to the approval of the Local Committee and in accordance with an approved Detailed Plan (Article 28).

(c) The Israeli Planning System:

The Israeli planning system was also based on the British Mandate Planning Ordinance of 1936. Although it was revised in 1965 with a number of further modifications since, it still follows the same spirit of the British Law (Jerayseh, 1993). Therefore, it only differs in detail from the Jordanian Planning mechanism.

The Israeli Planning Law maintained the three tier system of Central, District and Local planning levels represented as follows:

i. Central Level: The National government is represented by the Minister of Interior or his representative at the Regional Planning level. The Regional Committee is comprised of 11 members representing various ministries, local municipal councils, professional organisations, women organisations, Higher NGO's Council and representative of the settlements organization.

ii. District Level: Is represented by the District Committee, which comprises representatives of various government departments and professional bodies with five public representatives and one independent member.

iii. Local Level: represented by municipal, village and neighbourhood councils and elected every five years. Development plans also follow a hierarchy similar to the Jordanian Development plans. The development is carried out according to regional, district and local plans prepared by their respective authorities.

(d) Planning in the Palestinian Territories under the Israeli Administration:

Theoretically, during the occupation, planning in the West Bank was in accordance with Jordanian Law No.79, 1966. However, ten military orders issued between 1970 and 1988 all but annulled the Jordanian Law. The most significant of these orders is *Military Order 418 (23.3.1971)*. The issue of this order had far reaching consequences on urban development in Palestine and the lives of Palestinians during the occupation.

M.O.418 amended the Jordanian Law of planning cities, villages and buildings No 79, 1966 and drastically changed the planning procedures and administrative structures of planning authorities. It effectively removed the participation by all local authorities, academic and professional institutions and national planning committees in decisions affecting planning and land use. It also restricted the licensing powers of municipalities and transferred the regional, district and village planning

committees to an Israeli Higher Planning Council. The ten additional orders which amended M.O.418 were issued between 1974 and 1991 and gave more powers to planning committees run by Israelis (Table 12).

Since the issue of this order, almost all planning powers were transferred from the authorities designated by Law No.79 to others appointed by the Israeli military Area Commander, (Table 13). The most significant changes brought by this order are:

Planning Structure:

1. The powers of the (Jordanian) minister were transferred to the "person in charge" who was appointed by the Area Commander (Article 1/a and 2.1).
2. The Higher Planning Council (HPC) was taken over by the Israeli authorities and members of the council were appointed by the Israeli Commander (Article 4/a).
3. The District Committees planning level was abolished and the powers of the Committees were transferred to the HPC (Article 2.2).
4. The powers of the local Committees were transferred to a special planning Committee appointed by the HPC (4/b).
5. The Village Councils- elected and considered as local committees under Jordanian Law- were dissolved and their powers transferred to the Village Planning Committees (sub- committees within, and appointed by, the new HPC) (Article 2.4).
6. The Municipal Councils were allowed to continue as local committees although they lost most of their legislative and executive powers which were transferred to the HPC (Chapter VII below).
7. Powers of the Central Planning Department, appointed by the minister and acting as a consulting body within the Ministry under Jordanian Law, were transferred to a new CPD within, and appointed by the HPC, (Tables 11, 12 & Diagram 2).

Powers:

The new HPC appointed by the Area Commander was vested with ultimate powers (original and additional special powers) by M.O.418 to;

1. amend, delay, cancel or disregard any previously approved plan or permit,
2. assume any of the powers of any of the above mentioned committees and authorities,
3. issue, amend, or dispense with the requirement for any permit normally under the jurisdiction of any of the above committees.

Consequently, the Order gave the HPC the power to disregard all provisions of the Planning Law, and thus the Law could no longer deliver sound, consistent, informed and democratic planning decisions. As Coon noted;

"since the HPC is answerable only to the military commander, and particular articles of the order are never quoted in decisions, citizens do not know whether official actions are sanctioned by the Planning law or by the dispensation which the military commander has given himself to disregard the provisions of that law."(Coon, p.59, 1992).

Local Palestinian Participation:

To enable a better understanding of the implications of the changes in the Law, the composition of the various authorities is examined below, and where possible analyzed to assess the ability of the newly formed authorities to plan in the interest of the local Palestinian population and the ability of those Palestinians to participate at the various decision making levels. The composition of these authorities was as follows:

1. The HPC consisted of six Israeli military officers chaired by the head of the Interior Department in the Military/ Civil Administration. The HPC was located in the Military headquarters compound which was inaccessible to Palestinians except by special invitation.

2. The nature, composition and exact responsibilities of the sub-committees are unknown. It was, however, evident that

they were all Israelis and almost all of them were soldiers. The three most important were; the Demolition Committee, the Settlement Committee and the General Committee. The tasks of the first two are clear from their titles, while the general committee was responsible for Palestinian "development" plans and permits. There was no Palestinian representation in the first two committees and limited number of Palestinian staff in the third, but without powers to make decisions.

3- The Central Planning Department which under Jordanian Law is responsible for the preparation of regional plans (Law No.79, Article 7-1/b) and skeletal plans, where these did not exist (7-1/c), were not, while under Israeli control, engaged in any planning activities that might have benefited the Palestinian areas and their communities, (Table 11). The Department incorporated an "inspectorate" section which worked in liaison with the demolition committee to identify Palestinian construction which had no permit (Coon, p. 61, 1992). Although it was staffed by Israelis and Palestinians, the Israelis worked in the HQ and were involved in planning and implementing Jewish settlements while the Palestinians, with little decision making powers, were positioned in local offices (Arafat, Batrawi, Khamayseh, Nabulsi & Shkoukani, 1993).

The head of the Central Planning Department made all decisions related to planning, land use and building permits. Although his deputy was Palestinian, he had no influence on policy formulation or planning decisions (Coon, 1992). The head of the CPD was also a member of various committees within the HPC including the main three sub-committees. He had one of the most influential and sensitive positions in the whole of the Administration, (Table 11 & 12, Diagram 2).

Therefore, the appointment by the right wing Likud government of one of its members, who was also a member of the extreme Gush Emunim movement and a settler of Maaleh Adumim, in that position, had a detrimental effect on the

demographic and geographic characteristics of the Palestinian territories. Until a final political agreement over the issues of land and Jewish colonies is reached, decisions made by the HCPD and his department will continue to have this effect.

The involvement of the HCPD with the settlement planning and demolition, while being responsible for all decisions concerning issues related to Palestinian development, presents a case of conflict of interest demonstrated over the years by the policies and practices of this department. Like the HPC, the CPD was located in the military HQ of the Israeli Occupation Authority. The department became even more inaccessible to Palestinians when the HCPD moved it to a Jewish settlement the same year he took over. Eventually, it moved back to the Military HQ.

4- At the local level, the village committees, which replaced the original elected councils, were staffed by Palestinians employed by the Civilian Administration. Their responsibility was only administrative, since all decisions were taken by the HPC.

5- By 1967, 25 municipalities had been established in the West Bank. None was created after the occupation although the population in some villages exceeded those of some municipalities. The powers of the municipal councils were drastically reduced and were put under the control of the HPC and CPD. No municipal council elections were held after 1976. The results of those elections were not favourable to the Israeli authorities who eventually expelled their mayors, dissolved their council and replaced them with Israeli military councils during 1982-1986, (Chapter VII below).

(e) Planning laws in Jewish settlements:

The Israeli authorities referred to Jewish settlers as the "local population" when they confiscated land from Palestinians by either declaring it "state land" or to use it for "public purposes". Eventually this land was allocated and used for the "public purpose" of building Jewish colonies. The establishment of settlements started by the Labour government soon after 1967, and continued throughout the occupation. However, there was a gradual and increasing hardening of attitude towards territorial compromise and settlements activities over the years. There was also a different approach and "justification" for such policy between Labour and Likud, (Map 8). While the Labour government plans were based on "security" requirements, they indicated nevertheless areas of Palestinian land, it was ready to return to Jordan, (Map 8-11). On the other hand, Likud plans were based on ideological claims for the right to establish "Greater Israel" in Palestine and showed ambitious and extensive future building of settlements all-over the OPT, (Map 12-14).

The Jewish population in the OPT are Israeli citizens and therefore, enjoyed the benefits and protection of the Israeli laws. Military Orders regulating Palestinian lives and affairs were not extended to Jewish settlements. However, all planning policies and standards in these settlements were in accordance with the Israeli legislation and its legal system in every respect (Benvinisti, 1988, Shehadeh, 1988). The discrimination between application of different legal systems in the occupied territories was described in a recent ILO report. The report notes that the Arab community in the OPT had developed separately from the newly established Jewish community, the former being subject to specific legislation governed by a civil administration placed under the Ministry of Defence while the latter was subject to Israeli legislation and favourable treatment.

The report found that the discriminatory situation was aggravated by the expansion and growth of settlements in

the OPT. It quotes a 1992 country report on human rights practices for the United States Department of State on the dual legal and administrative system and states that;

"Palestinians are treated less favourably than the Jewish settlers on a broad range of issues, including the applicability of the right to due process; residency rights; freedom of movement; sale of crops and goods; water use; land tenure; ownership and seizure issues; and access to health and social services." (ILO, item 125, p.49, 1993).

An earlier ILO Report in 1990 quoted a Country Report on Human Rights and Practices for 1989 issued by the United States Department of State, (16) which pointed out that;

"Palestinians are excluded from the Higher Planning Council, which draws up plans for land use in the occupied territories, and exercises certain powers transferred from local municipal and village councils in 1971, while Israeli settlers are represented on the Council. Israeli settlements also receive large annual subsidies from the government, and individual Israelis may receive inducements to take up residences in the occupied territories." (ILO, 1990)

1.3 Building Permit Procedures

The issue of M.O. 418 resulted in transfer of all powers and decisions to give building permits inside and outside municipalities to the HPC and the CPD. Building permits were issued by municipal councils, where these existed, only to residential buildings, private houses (not to exceed three at one time for the same application) and small commercial projects. However, the HPC could still exercise the powers given to it by the above order to amend or cancel any permit. Permit application was a cumbersome and expensive procedure as far as the Palestinians were concerned, (Table 12 & Diagram 2 & 3).

The speed of obtaining a permit depended on many factors including the severity of disturbances, and Palestinian resistance to the military occupation. It also depended on the people in charge of the CPD ⁴⁰. The first few years of

⁴⁰ Political objectives of different Israeli governments are expressed in their declared views with regard to withdrawing from the OPT and are demonstrated in their plans for Jewish settlements.

the occupation witnessed a great deal of house building and some development as the then Israeli government intentions concerning the future of the OPT were different from those of Likud which always considered the OPT as part of Israel. Interviews with Palestinian officials and professionals confirmed that attitude of Israeli planners, with regard to building permits, under a Labour government was more lenient than those under a Likud government, (Hanbali 1992, H. Arafat, Khayat, Khamayseh & M. Nabulsi, 1993)

1.3.1 Permits outside municipalities:

All decisions concerning granting permits for development outside municipal boundaries were centralized in the hand of the head of the CPD and his "civil servants" (Coon, p. 126, 1992). With the abolition of district councils and local village councils all permit applications had to be submitted to the CPD and were subject to its approval. In effect this covered all rural or semi rural areas (inside, outside and between semi rural-towns and villages), where 70% of the Palestinian population live.

The process of obtaining permits was complicated, unclear and frustrating, (Coon, Fig. 10, p. 122, 1992). It involved a number of unpublished internal regulations which were changed without public knowledge. The complex procedure is summarised in the attached diagram No 3.

Many obstacles facing Palestinian applicants were created by new rules and requirements including:

1. need to prove ownership of land (item 1.1.1 above),
2. need for the land to be correctly registered, (ibid),
3. need to prepare the application in accordance with an approved detailed plan ⁴¹,

⁴¹ Under Jordanian laws these permits were approved by the district planning committee, composed of local citizens. The procedural change introduced by the Israelis complicated matters as applicants had virtually no access to the HPC. Therefore they were unable to follow up, inquire or expedite their applications which sometimes took years to process with limited number of applications approved.

4. the development was required to be in accordance with the Mandate plans, contrary to Jordanian Law which does not require building permits to accord with regional plans.
5. there were no guidelines to enable applicants to decide the type and location of development that was allowed by the authorities.
6. the application procedure was lengthy and expensive and the fees were non-refundable⁴². The average time for deciding on a permit was usually over a year although many had to wait for years before a decision on their application was made. It was impossible to predict how long a permit would take, or whether it would have a chance of being approved.

All or some of the above are standard requirements in many countries. However, in view of the restrictions, imposed by the Israeli authorities on land use, registration, subdivision (item 1.1.1) and above all the fact that no development plan was available to guide applicants, made it impossible for Palestinians to comply with such demands. The Israeli authorities set up an "Information Committee" to decide whether the site in the application was in a "development area" and to determine whether it complied with their policies. Decisions to consider an area "development area" and regulations relevant to the site were made in secret and without prior Palestinian public consultation. There was no mechanism through which Palestinians could find out what the policies were, since these were not published. This procedure provided no opportunity for Palestinians to appeal against refusal of a permit.

⁴² According to Coon, the cost of a permit to a Palestinian applicant was likely to average \$2500 including surveyors, lawyers and architects which was likely to be wasted. The same amount of money was paid by Jewish settlers to purchase highly subsidised three bedroomed house in a settlement, (Rawley, Gwyn: The Jewish colonisation of the Nablus Region- Perspectives and continuing development, p. 352, Geojournal, August 1990, Vol.21 no.4, cited by Coon, p.128, 1992).

Coon summarises what he considers to be the injustice of this system as; 1. it did not only prevent particular developments from taking place but also reduced the overall level of development, 2. the development control procedure imposed unreasonable costs in terms of its cost in addition to the time it took, 3. the effect was not only felt by the individual applicant, but by the whole community as decisions were made on an ad hoc basis and consequently the development that took place was inefficient, fragmented and unbalanced. He quotes a 1987 UNCTAD report which concluded:

"..obstacles to issuing building permits... have stifled efforts and effectively barred a potentially large number of families from procuring decent housing."(Coon, p.126-128, 1992).

1.3.2 Permits within municipalities:

Military order 418 maintained the ability of municipal councils to grant building permits within their municipal boundaries. This however was confined to small private residential and commercial projects only. Contrary to Jordanian Law all applications for "public projects" were required to be submitted to and determined by the CPD. This included almost all other projects including petrol stations, mosques, markets, warehouses, workshops and factories. Permit applications for more than three houses also fell under such category as these would be considered "public housing projects".

There was also no mechanism to determine all types of development under this category as many decisions were taken in an arbitrary manner and municipalities which were required to refer such applications to the CPD were never involved in the decision making process (Hanbali, 1992, H. Arafat, M. Nabulsi 1993). The procedure under Law no. 79 is to provide applicants with site regulations based on the approved Jordanian skeletal "outline" plan according to which the project will be drawn up and submitted for approval. This practice continued during the first years of occupation. In Nablus consideration was given to the difficult topography and steep slopes of the city and

development was approved for a higher density than that shown on the original plans, (Table 11).

1.3.3 Role of Palestinian councils:

The procedure to apply and obtain a permit for projects under the reduced jurisdiction of municipal councils was a simple and quick operation. In general, the majority of applications were approved provided they complied with the basic requirements. This was often easily fulfilled due to the applicants' knowledge of all zoning restrictions, (Diagram 3).

Generally, most of the buildings were constructed in accordance with the terms of a valid permit. After the Intifada erupted in 1987, municipal councils ability to exercise their limited powers diminished particularly in Nablus which was without a mayor or council from 1988 and until the completion of the survey. However, the problem of controlling development was not so serious during the first few years of Intifada since very little construction activity was taking place (Chapt VII, items 1.2-1.4).

In general, Palestinian councils tried to exercise reasonable flexibility in granting permits under their jurisdiction (Hanbali, 1992) in order to help, in their limited capacity, in meeting basic shelter needs and to encourage Palestinians to develop their land and improve their living conditions.

On the other hand, they faced a dilemma with regard to violations of regulations and carrying out development without permit. While most of these councils wanted to implement the law and ensure better standards and quality of construction, they had no executive authority to enforce the available legislation. For obvious nationalistic reasons, these councils could not impose punitive measures nor would they accept to refer the matter to higher authorities. The only authority they could go to happened to be that of their occupier which they considered to be the cause of their problem.

Diagram (2)

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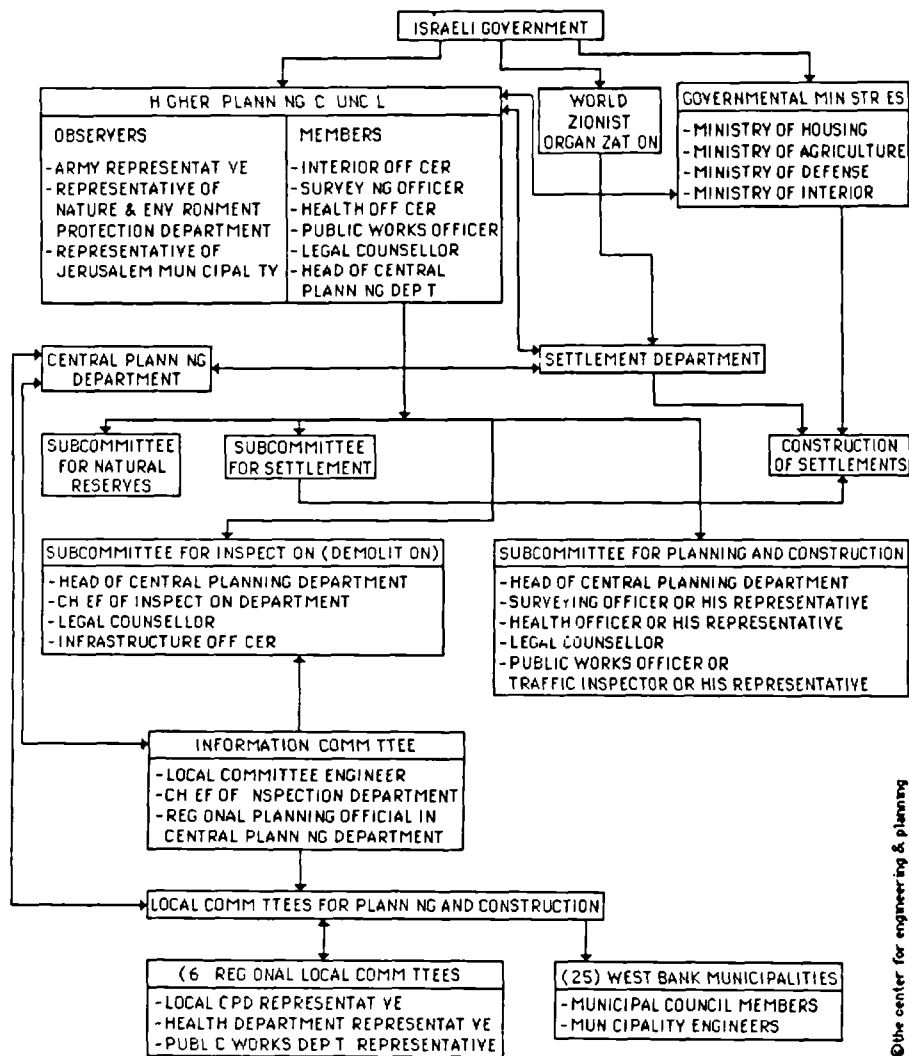
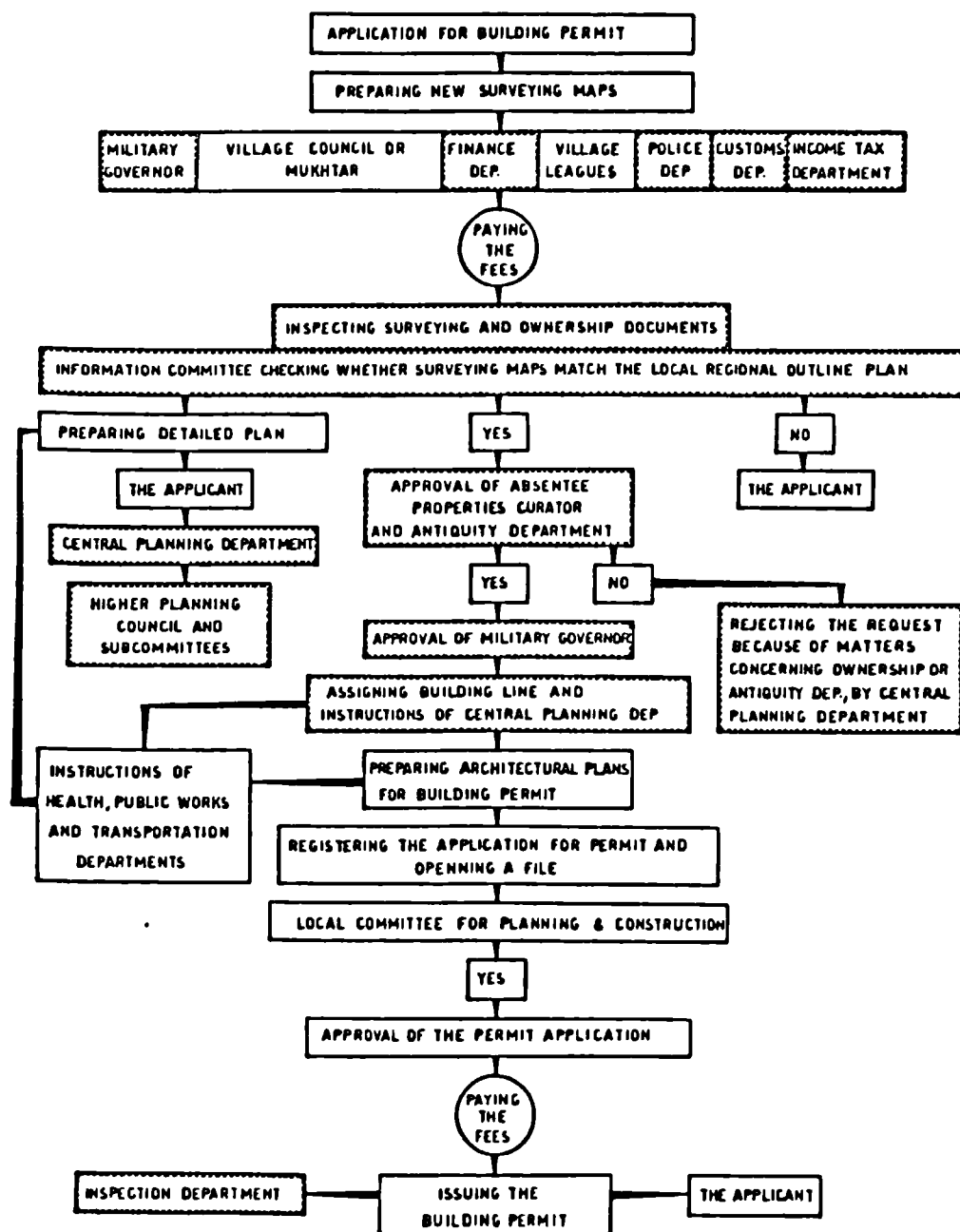


FIGURE 1 Structure of the Israeli Planning Organization

Israeli Planning Organisation Structure

Source: CEP, 1990

Diagram (3)



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Procedure for Obtaining Building Permits

Source: CEP, 1990

On the whole, Palestinian officials wanted to approve as many permits as possible- within reason- even if it was not strictly within the planning requirements for various delicately entangled reasons including:

1. their appreciation of the pressure for expansion which had not been met and need of the population for basic housing provision.
2. most if not all housing was provided by the private sector. Very often the applicants struggled to provide the funds to build as there were no government or local subsidies, grants or any public housing.
3. there was a strong resentment towards what Palestinians considered to be discriminatory treatment in favour of Jewish settlers and the ease, speed and substantial government subsidies to provide them with housing and infrastructure. There was a surplus of vacant housing units in all Jewish settlements while Palestinians suffered from acute housing shortage.
4. there was a real fear amongst the vast majority of Palestinians that any vacant land was a possible confiscation target. The fact that most land confiscated was located outside municipal boundaries did not alter the fact that land and property within municipalities such as East Jerusalem and Hebron had also been confiscated for the use of Jewish settlers. Palestinians regarded building when and where they could, not only as a way of meeting a basic need for shelter, but also as a national duty to safeguard against, or at least create an obstacle to, the ability of Israelis to seize more land.

Conclusion

The Israeli Military Orders systematically and gradually changed the laws and legislation that prevailed before the occupation concerning the control of;

- i. land, water and natural resources,
- ii. development and construction activities and
- iii. all administrative and planning structures.

The changes had far reaching consequences for the lives of Palestinians and their ability to develop their land, expand and improve their urban centres, which can be summarised thus:

1. The planning and implementation of an extensive programme for land confiscation by the Israeli authorities from 1967 deprived the Palestinian legitimate owners from 68% of their land by 1993, 90% of which was privately owned. Restrictions imposed on the use, registration, transfer and subdivision of the remaining land meant that Palestinians had less than 20% of their original land which they could develop.

2. The Israeli occupation authorities exercised total control over all development outside municipal boundaries and over most development within municipal boundaries. Moreover, the obstacles and delays Palestinians met in their effort to expand their municipal boundaries, obtain approval for any public project outside and within their boundaries, or merely to obtain a building permit for a house, meant that they were unable to develop the diminishing small area of land they still had.

Furthermore, the Israeli authorities had power to prohibit, halt or demolish any construction, a power often practised as a security measure to punish, deter and discourage the Palestinians from carrying out new development. This situation added to the pressure for development within existing urban areas. Consequently most of construction activities were concentrated around the built areas in town centres. This included extensions and additional floors to existing buildings, redevelopment of existing buildings and used land, and new buildings built legally on land with building permit or illegally risking demolition.

3. The drastic changes in Planning laws and administrative structures excluded Palestinians from all positions of power and from any decision making role which would have enabled them to develop their urban and rural areas

according to their needs and priorities and improve their built environment and living conditions.

The abolition of district councils and village councils and the severe reduction of the powers of municipalities denied the Palestinian population in urban and rural areas any representation or mechanism through which they could convey their views to the central authority.

A recent UNEP report on the environmental situation in the occupied territories noted that:

"apart from the forcible appropriation of their lands by the Israeli government, the indigenous Palestinian and Arab population are denied any effective role in determining the ways in which even those lands left for their occupance may be used" (UNEP/GC.16/5).

In conclusion, as Palestinians lost most of their land under occupation, and also lost their control over the use of the remaining land, their ability to build, develop, and expand became very restricted. Various military enactment passed and implemented with regard to ownership of land and absentees property, and restrictions on building permits, denied many the right to build on their own land. Although the majority of land affected by confiscation, restriction of use and other policies was outside municipal boundaries, the inability of Palestinians to build outside municipal boundaries or to expand their boundaries, resulted in overcrowding of towns, high land prices, violations, overloading of public utilities and services and subsequent environmental degradation.

MILITARY ORDERS RELATING TO LAW 79

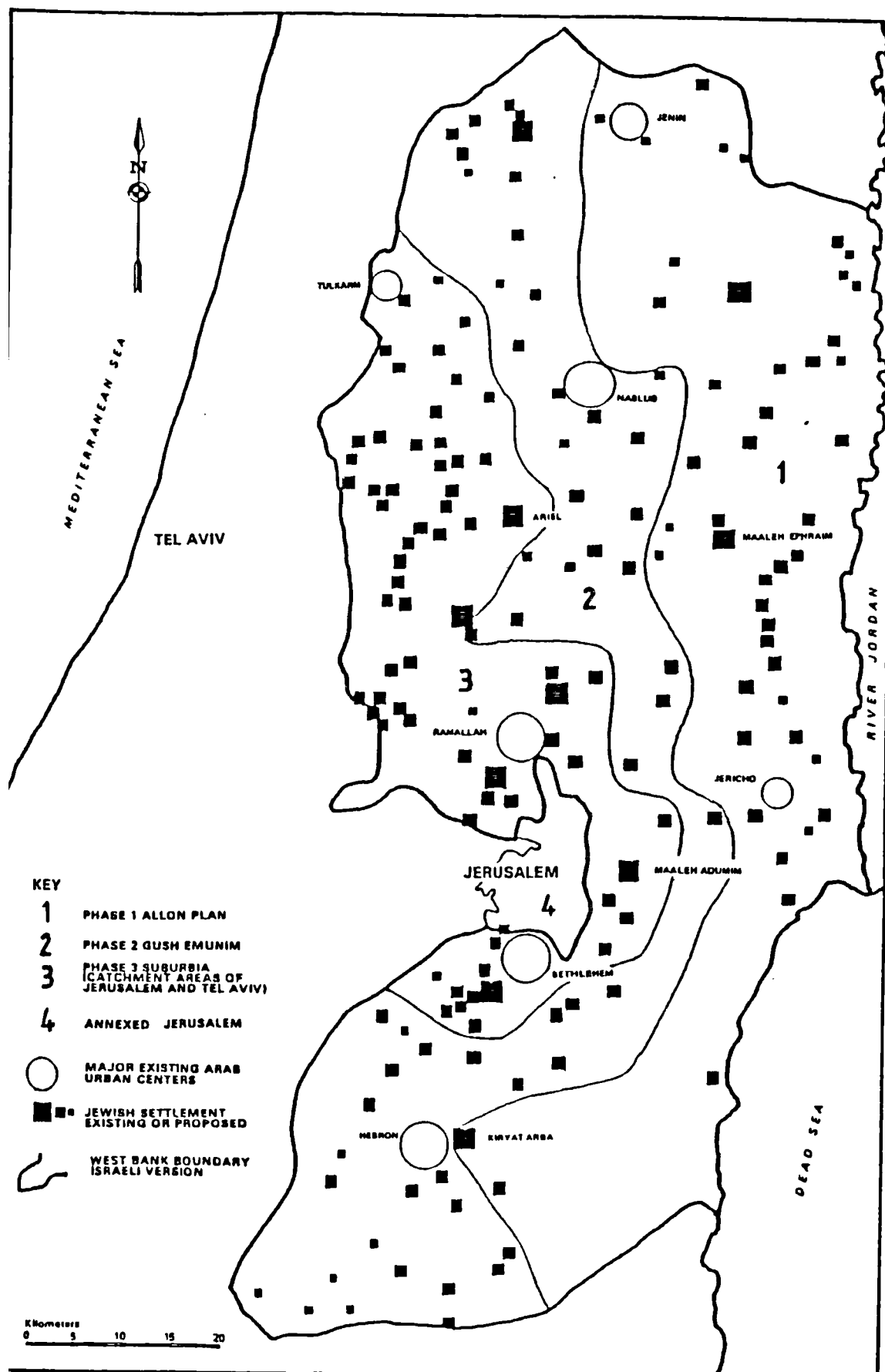
1	2	3	4	5	6	7	8	9	10	11	12
ORDER NO	AMENDMENT NO	YEAR	ART NO	SUMMARY	RELATION TO ORDER 418				RELATION TO LAW 79		
					ART AMEN-DFD	ART CAN-CELED	ART ADDED	RF NUMBERED ARTICLE	ART REFERRED TO	ART AMEN-DFD	ART ADDED
418		1971	2	transfer of powers from - 2.1 Minister to "Person in Charge" 2.2(*) District Commission to HPC 2.3* Local Commission to Special Committee 2.4 Village Councils to Village Planning Committees				2	91 D		
			3	committee voting				1			
			4	composition of committee 4 A HPC appointed by Commander 4 B* Special Committee app by HPC				4			
			5	Municipalities to continue as Local Commissions				5			
			6	transitional procedures				6			
			7	HPC is entitled to - 7.1 amend or cancel any plan or permit 7.2 assume powers of any commission 7.3 grant any permit 7.4 dispense with need for any permit				7	2.5		

TABLE 13 (Contd.)
MILITARY ORDERS RELATING TO LAW 79

1	2	3	4	5	6	7	8	9	10	11	12
ORDER NO.	AMENDMENT NO.	YEAR	ART NO.	SUMMARY	RELATION TO ORDER 418				RELATION TO LAW 79		
					ART AMENDED	ART CANCELLED	ART ADDED	RE NUMBERED ARTICLE	ART REFERRED TO	ART AMENDED	ART ADDED
1043	6	1983	1	Committees need not all be members of HPC	7 A(A)			7 A(A)			
			2	increase fines for unpermitted development to value of the development			7 B(C)	7 B(D)			18 14 18 15
			3	punishment of committee and officers			7 C(A) 7 C(B) 7 C(C)	7 C(A) 7 C(B) 7 C(C)			
			-	composition of committees (deputies)			7 D(A) 7 D(B) 7 D(C)	7 D(A) 7 D(B) 7 D(C)			
			4	cancel order re District Committee		2A(C)					
1100			-	immediate stop to unlicensed development			7 B(A)	7 B(B)			18 1(B) 18 1(C) 18 1(D)
1227	8	1988	1	Permit may be based on deposited plan; permit may be subject to conditions			7 B(A)(A) 7 B(A)(B)	7 B(A)(A) 7 B(A)(B)			34 A(A) 34 A(C) 34 A(B)

* indicates that article was cancelled by subsequent order
 (*) indicates that article was amended by subsequent order
 HPC High Planning Council

Map (8) PHASES OF ISRAELI SETTLEMENT IN THE WEST BANK



Source: based on Benvenisti (1984)

Map (14)

Source: Benvinisti, 1986

SECTION 2: Analysis of Military Orders concerning the Fiscal policies and their consequences:

The prospects for sustained development of the Palestinian economy had been constrained by the lack of necessary policies and measures during the occupation and the restrictive Israeli policies vis a vis Palestinian economic activities.

The occupation authorities eradicated most mechanisms through which Palestinians could have supported and improved their economy. The Israeli authorities took control of many fields related to the Palestinian economy, its regulation, legislation and management from the early days of the occupation. On the other hand, it did not assume its responsibility as the "Central Authority" towards, planning, encouraging, or supporting that economy. Additionally, the authorities excluded the Palestinian population from taking the responsibility for most aspects of their own economy.

According to UNCTAD, the Israeli domination and full jurisdiction over all economic activities inhibited the economic performance potential in the OPT (UNCTAD/RDP/SEU/1, 1989, p.1, para.4).

A more recent UNCTAD report noted that in the domain of public finance, the Israeli military authorities had assumed responsibility for preparing, implementing and auditing government budget for the OPT since 1986. The budget had been classified as a "security matter" and therefore was attached to the ministry of defence through the Civilian Administration (UNCTAD/DSD/SEU/2, 1993, para.73, p.21). The government budget had never been allowed to play its economic and social role for development as the UNCTAD report found:

" Its structure and orientation were almost totally governed by political considerations in line with occupation objectives and policies. It could not be classified under generally accepted schemes of being "economic", functional and/or object oriented. Even in terms of its organisational line, it left a lot to

be desired. Neither on the revenue nor on expenditure side had the budget been allowed to serve as an instrument of public policy." (ibid, para 74).

The Israeli government budget and the local Palestinian budgets played very limited role in creating jobs and were mainly confined to paying government departments and institutions staff salaries. Nor did they have any effect on creating jobs related to economic and infrastructure projects as these were virtually non-existent. These budgets also played no role in: allocating and distributing resources; controlling prices; balancing production and consumption or improving the balance of trade and international payment. UNCTAD points out that;

".. the budget had not served the mobilisation, allocation and stabilisation objectives of positive public policy. Similarly, the impact of the government budget on the level of national income and consumption had been equally negligible. Much of the expenditure to cover urgent social and economic needs was provided from abroad through multinational and bilateral sources." (ibid, para 75).

Military orders were issued to ensure the authorities full domination. Restrictions imposed on the Palestinians included matters ranging from; banking, import and export, tax, custom duties and excise; to planting tomatoes and picking wild thyme. These restrictions were used to guarantee the subordination of the Palestinian economy to that of Israel.

Thus, while benefiting the Israeli economy the authorities deprived the Palestinians from any form of economic independence which, they feared, would have led to in their political independence.

In addition to restrictions imposed by military orders and implemented by military force, as often used in the case of business closures and tax collection procedures (Chapter VIII, Sect. 1, item 1.3), the Israeli government took no measures to encourage investment and stimulate the economy even if it did not compete with its own.

This section aims to demonstrate the effect of the Israeli policies and practices on economic development in the OPT and its effect on the Palestinians' ability and willingness to invest and improve their built environment and living conditions.

2.1 The Financial Sector:

Since the occupation, the Palestinian economy operated without any specified or published budget, banking, financial institutions or credit system. All Arab and non-Arab banks and other financial institutions were closed down and replaced by Israeli Banks and institutions. The Palestinian economy was managed, after 1967, without guidance from an indigenous central authority and had no overall or any defined monetary policy. The Central Bank of Israel made no effort to base its planning, or link its activities to the needs of the Palestinian economy nor did it allow local residents to participate in its planning or regulating operations.

During 1967-1987, not one single Arab bank was allowed to operate in the occupied territories ⁴³, and until 1992, strict restrictions limited the amount of money Palestinian residents were allowed to receive from abroad. The limit imposed on money transfer varied according to political conditions in the OPT and the level of collective punishment the Israeli authorities wanted to inflict on the occupied population ⁴⁴.

Without vital financial facilities, and without a national central authority and relevant institutions, the

⁴³ Cairo- Amman bank was allowed to reopen in 1987 under strict conditions limiting its operations and resources and acting through an Israeli correspondent bank, (Interview with bank official, 1993).

⁴⁴ The corroboration between the increase in Israeli punitive measures against the Palestinians and the level of civilian unrest and resistance, particularly since the beginning of the Intifada, are widely reported in UN and Human Rights publications on this issue.

Palestinian economy was deprived of any resources that could be directed to promote growth and development. The Palestinian financial sector was regulated by numerous military orders, the most significant included:

2.1.1 The Banking System:

By 1983, a total of 122 Military Orders were issued dealing with banking and financial activities. The Orders and their subsequent amendments created a complex set of financial regulations (UNCTAD/ST/SEU/3, 1987, para 83).

- On the second day of occupation, *Military Order 7*, (8 June, 1967) was issued to close all Arab banks in the newly occupied territories and to prohibit all trading and money transactions. The authorities subsequently froze all accounts, removed documents and transferred cash to the Central Bank of Israel. The Bank of Israel took charge of all banking matters in the OPT.

The "Examiner of Banks" appointed by the Military government was vested with powers over banking and monetary operations, including banks licenses, foreign exchange, administering bank assets and liabilities, liquidating banks and setting credit level, interest rates and all other banking matters and monetary regulations.

- *Military Order 21* (18.6.1967) amended the Jordanian Corporate Law 12, 1966. According to the order an Israeli official in charge was granted considerable powers of jurisdiction over the running of banks, the appointment and dismissal of bank employees, and over the accounts. He was given the power to transfer funds from one bank to another and to manipulate bank funds in whichever way he deemed necessary. *Military Order 25*, issued the same day, rendered it illegal to conduct business transactions involving land and property without a permit from the military authorities.

- *Military Order 45 (9.7.1967)* amended the Jordanian Law on banks, 1966, Law of Companies 12, 1964, and Jordanian Central Bank Law 3, 1966. It granted the official in charge of banks the jurisdiction to appoint and delegate responsibility as specified in the above Jordanian laws. It also cancelled the appointments and delegations made prior to 6.6.1967.

Many amendments to the above orders and others controlling currency, bills of exchange and gold continued to be issued imposing more restrictions on the operation of the financial sector in the OPT.

One of the significant consequences of Order 45, was that it allowed banks, awarded a trading license from the official in charge, not to register as a foreign company in accordance with chapter 12 of the Companies laws. This allowed Israeli banks and companies to operate freely in the OPT.

Israeli banks, which operated in the OPT, offered little credit to Palestinians. The main objective of Israeli bank operations was to facilitate transactions between the OPT and Israel and to provide banking services for the Jewish settlers. It is argued by many Palestinian economists that the long term objective of the authorities was that, with the closure of Arab and foreign banks, Palestinians would be forced to use Israeli banks and thus promote more economic dependency which will allow them more control over the Palestinian economy.

For their part, the Palestinians refused to deal with Israeli banks except when they were forced to use them to carry out certain transactions. Deposits by Palestinians in Israeli banks were minimal. This was due to the Israeli hyper-inflation between 1977 and 1985, the devaluation of the IS in the 1980s, and the deep rooted suspicion of Israeli intentions, such as fear of seizing their assets or higher tax claims against their deposits (JMCC, 1992, p.148).

Israeli banks' contribution to facilitating links between depositors and borrowers were minimal, so was their role as a source of credit. With the absence of Arab banks and financial institutions, credit facilities were only available on a modest scale through money changers and small lending agencies.

According to UNCTAD, the Israeli banks did not play the conventional and fundamental role of serving as intermediaries between borrowers and depositors which is essential to mobilise local financial resources and to channel them to investment opportunities in the OPT. This was aggravated by economic and political uncertainty associated with military occupation and political objections to cooperate with an occupying power. It was also a result of the Palestinians' preference to dealing with Jordanian currency as opposed to the highly unstable Israeli currency. It was also due to the uncommitted attitude of Israeli banks to serving the Palestinians and helping their economy (UNCTAD, 1987, para 122).

With the absence of indigenous banks and subsequent lack of credit and saving facilities, the Palestinian private sector was deprived of a major incentive to invest in new projects or in the improvement or expansion of existing property and businesses. Municipal councils also had no facilities to raise funds for new projects or for the expansion and upgrading of public services and infrastructure.

2.1.2 Insurance Companies:

Israel took control of all insurance operations from the early days of the occupation. *Military order 93 (22.8.1967)* amended the Jordanian Law Regulating Insurance Operations 5, 1965. It transferred all appointments made or jurisdiction granted under the above law by the Jordanian government or any of its institutions to the Israeli officer in charge. Until recently only one Arab insurance company was allowed to operate, having been established before the occupation. No other companies were established

as the Israeli authorities would only grant permits on the condition that the company would be established in partnership with an Israeli company; a condition rejected by Palestinian investors.

Military Order 1215 (30.12.1987) introduced significant changes to Jordanian Law of 1965. It cancelled article 20 of that Law which required an Insurance agent to be a Jordanian citizen, above 21 years old and registered with the Jordanian Chamber of Commerce. The article was replaced by an amended article 20 which gave the Observer "Head of the Economy Department in the Civil Administration" the power to issue a permit to establish an insurance company to a resident of the territories or an Israeli citizen (Article 20/a/1). The Insurance company should be registered according to Israeli Law (article 20/b/1).

Consequently, during the occupation, all but one insurance enterprise in the OPT were predominantly agencies for Israeli firms or foreign companies working in Palestinian towns through Israeli agents. Moreover, insurance premiums were four times as high as they those in Jordan. Thus the insurance market in the OPT was very limited and very few companies were able to protect their business and property by using available insurance policies. This also contributed to the atmosphere of uncertainty and increased local residents' reluctance to invest in new businesses and property.

2.1.3 Restrictions on the flow of foreign currency and money from outside the OPT:

The Israeli authorities, in an attempt to control the financial activities between the occupied territories and the outside world, imposed strict financial legislation.

Two military orders issued in 1982 brought significant constraints on foreign currency flow, *M.O 952 (20.1.1982)* and the flow of money into the OPT, *M.O. 937 (9.6.1982)*. Subsequent amendments to these orders introduced further restrictions over the years.

M.O. 952 required that a permit must be obtained from the authorities for:

- any transaction in foreign currency carried out by a resident of the OPT whether inside or outside the territories;
- exporting money from the OPT;
- bringing Israeli money from outside the OPT;
- any transaction involving property in the area if: a resident of a foreign country was party to the agreement; or if the resident of the OPT was party to an agreement with an absentee Palestinian living in exile; or related to any property outside the territories;
- possession of foreign currency by a resident of the OPT.

Many Palestinian families relied heavily on financial assistance received from members of their families working abroad particularly in the Gulf. Difficult political and economic conditions in the OPT meant that some families were totally reliable on income from abroad.

Restrictions on money received from relatives abroad and from other Arab countries and institutions, while increasing the general hardship in the OPT, also contributed to the shortage of funds to build new homes, establish new businesses, expand or improve existing stock.

2.2 The informal Financial Sector:

Palestinians relied heavily, during the occupation, on the informal sector in the absence of an adequate formal financial sector. The informal sector was comprised mainly of money changers dealing in foreign currency and offering some of the banking services such as depositing, transfer of funds, cheque clearance and granting small loans. The informal business relationship between customers and the money changers was based on oral agreement and personal trust and runs a high risk factor as a substantial amount of the money was smuggled due to the Israeli restrictions.

Another source of informal financing was small loans organisations which included a number of Arab and international organisations. These offered very limited credit facilities but did not have the capacity to compensate for the absence of a banking system and financial institutions. It therefore had no significant impact on enabling the residents to invest in their property and businesses.

2.3 Restrictions on International assistance and foreign aid:

Israeli restrictions and conditions imposed on foreign aid seriously limited foreign investment in services and infrastructure and other vital sectors of urban development in the OPT. These restrictions included the amount of money allowed to enter the OPT, types of projects foreign aid is directed at, their location and who would benefit from them.

United Nations institutions such as UNRWA, UNDP as well as the EC experienced problems with Israeli intervention with the flow of aid to the OPT. Some US and European NGOs had also encountered obstacles in implementing their programmes. An UNCTAD report on Prospects for Sustained Development in the Palestinian Economy , para 84, 1993" states:

"The conflict between the donors and the Israeli Civilian Administration over the financing and management of development assistance had been evident for over two decades".

Despite a multiplicity of external sources of finance, the flow of external aid to the OPT encountered numerous obstacles which reduced its impact and effectiveness (UNCTAD, para 83, 1993). The report argues that the military orders which changed the original laws, and the arbitrary manner in which the amended laws were applied, had constituted serious obstacles to development. It considers the creation of the Civilian Administration as a step to institutionalize the Israeli key objective of

successive Israeli governments to control the OPT. One method to achieve this objective was to control the flow of incoming aid and manipulate development contrary to international laws.

The report found other obstacles that faced international and external aid to the territories such as the relentless efforts by Israel to channel aid through the offices of the Administration. This, donors argued, served the Israeli objective to adapt the inflow of donations to serve its priorities in the OPT (ibid, para 84).

Moreover, since allowing Palestinians to receive foreign aid was used as a "carrot and stick" measure, only those on friendlier terms with the authorities were allowed access to foreign aid. According to Ray, private NGOs were frustrated by Israeli restrictions on groups Israel dictates that they should finance. She quotes a director of one NGO thus;

"Ninety eight percent of the projects approved by the Israeli authorities are for groups we do not want to work with." (Sara Ray, Development under Occupation, p.73, 1991).

International observers argue that the Israeli authorities showed a clear preference for projects that maintained the status quo and were production rather than investment oriented (ibid). Ray states that:

"One political goal of the Israeli government aims to prevent the formation of an independent Palestinian state. This in turn has resulted in official restrictions on a range of project activities perceived to decrease Palestinian dependence on the social infrastructure established by Israel inside the OPT" (ibid).

UNCTAD found that the Israeli authorities interference with the flow and operations of external aid in the OPT was aimed at achieving two important objectives:

"(a) preventing the implementation of projects which empowered Palestinians and decreased their dependency on the Israeli economy; and'

- (b) relieving Israel of its international obligations towards the Palestinian population under its control by directing external aid to areas of government activity, including infrastructure, and partially financing current economic projects and social services expenditure.", (UNCTAD, para 84, 1993).

Therefore even international donations were also used to serve the political objectives of the Israeli Administration rather than the population needs and priorities.

Many towns, such as Nablus, continued to suffer shortages and deterioration of services and infrastructure, lack of amenities and environmental degradation as their councils and residents were out of favour with the administration particularly during the Intifada.

2.4 Israeli Taxation Policy in the occupied territories:

The law of belligerent occupation concerning taxation is contained in the Hague Regulation IV, 1907. The legislative power of the occupant is regulated by Article 43 which states that the occupant should take all measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country. Article 49 defines the limits of an occupant's license to collect tax and states that the revenue collected should be returned to the occupied territory (Stephen, 1990, p.5-17).

The Israeli authorities continued to claim that the Jordanian law on tax in the West Bank was the base of its taxation policies. However, since the early days of the occupation, the Israeli authorities issued changes by means of military orders dealing with tax. As a result, by 1992 and after some 200 orders, the original law was unrecognizable. These orders effected significant changes in the tax system including changing the scope and rate of taxes, imposing new taxes to increase government revenues and linking the tax system in the OPT to the Israeli system. After the transfer of all issues related to tax and

customs to the Israeli military authorities on the second day of the occupation, military orders began to be issued as amendments to the Jordanian Tax Law 25, 1964, Property Tax relating to Building on Land Law 11, 1954.

Military Order 28 (22.6.1967), gave powers to change the laws and regulations to the Israeli Official in Charge appointed by the head of the Israeli forces.

Military Order 84 (10.8.1967) extended his powers to revoke the appointment of any person. Furthermore, *Military Order 135 (29.9.1967)* allowed the Military Area Commander to delegate his ultimate power over the collection of taxes to whomever he chose.

2.4.1 Income Tax

Nowhere in the tax system of the OPT are changes more pronounced and frequent than in the area of income tax. The changes affected rates, income brackets, methods of assessment, collection and appeal procedures, (UNCTAD / ST/SEU/3, 1987, para.269). Jordanian income tax law was amended forty times after 1967 (JMCC, p.132, 1992). A series of orders redefining income tax brackets and rates were issued over the years regardless of the economic hardship suffered by the Palestinian population and without any reciprocal benefits.

Various orders were also issued concerning assessment of tax and right to appeal. *Military Order 109 (5.9.1967)*, transferred the appeal against tax assessment from local courts to military courts. This was followed by *M.O. 172 (22.11. 1967)*, *355 (7.9.1969)*, *406 (1.9.1970)*, and *410 (6.9.1970)*. All these orders further restricted the ability of local Palestinians to appeal against tax imposed on them. *Military Order 1225 (15 November 1987)* states that;

"It is permissible for the Head of the Civil Administration to change the upper brackets of tax levels, in accordance with article 241 of the law, and also the discount rates and payments".

By 1985, 34 Military Orders had amended tax rates, income brackets and exemptions. They reduced the minimum threshold of taxable income from JD 400 to JD 40, increased the rates up to 55% and income brackets were reduced from a maximum of JD 8,000 to JD 3,768 (UNCTAD, 1987, tables 30 & 31).

An UNCTAD report noted that a comparison with income tax liability in Jordan puts the taxpayer in the OPT at a disadvantage. It noted that the threshold for a tax payer with a spouse and four children was raised from JD 320 under the 1964 Income Tax Law to JD 1,400 under the 1982 Income Tax Law (ibid para. 272). UNCTAD found that amendments to the Jordanian Income Tax Law introduced by the Israeli authorities in 1982 Law had resulted in an average family tax burden 9 times higher than its equivalent in Jordan.

Israeli Law also lowered personal allowances for all family sizes. The allowances ceiling in the OPT was only 33% and 13% of that of Jordan and Israel respectively. The fact that per capita income in the OPT was only 29% and 72% of that in Israel and Jordan respectively aggravated the effect of tax changes, (Tables 14.1 & 14.2).

Military Order 770 (5.11.1978) concerning tax collection regulations, cancelled Chapter 14 of Jordan Tax Law 25, and introduced the PAYE method of advance payments regardless of the level of earnings in the OPT. The order also empowered tax assessment officers to obtain an order from a "special court" to delay the departure of a person from the OPT.

Although the advance payment system is also practised in Israel, there, it is indexed to the cost of living, while in the OPT it was indexed to the average exchange rate of the Israeli Shekel to the Jordanian Dinar. UNCTAD noted that the final amount of tax collected in the West Bank in two similar cases was higher than it was in Israel. Further amendments and additional fines were introduced and the ability of Palestinians to obtain any license or permit was

conditional on obtaining a Tax certificate ensuring that there was no tax due to the government.

Military Order 1262 (17.12.1988) states that;

"any person authorized to provide a license or service under a provision of the Law or security legislation listed in the Appendix may make provision of the service and license, including its renewal, contingent on submission of evidence that the applicant has performed all actions imposed on him under any tax law and has paid the tax he owes at that time".

This applied to 23 spheres, encompassing virtually every aspect of daily life in the OPT.

B'Tselem, the Israeli human rights organisation noted in its annual report that the extensive administrative powers this order, conferred on tax authorities, would not withstand review under the principles of Israeli law. It violated the system of rights and obligations by imposing on inhabitants the "supreme duty" to pay taxes; a person who failed to do so was deprived of his rights even if he had fulfilled all relevant requirements, (B'Tselem, 1991, p.165). In describing the injustice of the tax increases imposed on Palestinians in the OPT it quoted the following;

"If I were to try to introduce inside the Green Line some of the measures I used in the territories to increase tax collection, I would be strung up in [Jerusalem's] Zion Square."⁴⁵

An UNCTAD mission to the OPT found that more important than the striking changes to collection procedures was the changes to the appeal procedures that existed under Jordanian law. M.O.406 delegated the powers of the special Court of Appeal to an "Objection Committee" with the military Command having the final say in the matter. Eventually, appeals have been revoked and confined to an administrative/military committee without judicial

⁴⁵ Mordechai Bereket, head of the Customs and Tariff Branch, quoted in *Ha'aretz* October 31, 1989, cited by B'Tselem, 1991.

competence. Thus the Palestinians had no machinery within an established judicial system to deal with appeals. This acted as a dis-incentive to work and invest especially among the middle and upper-middle income groups who usually generate wealth in an economy (UNCTAD, 1987, para 281).

The serious violations of the tax system were further demonstrated in the treatment of Jewish settlers which should, according to UNCTAD, be taxed under Jordanian Law as such income is "derived, received or obtained" in these territories and not in Israel. However an amendment to Israeli tax law considered that income produced by Israeli citizens in the territories as income, produced, obtained or received in Israel. In conclusion, the share of the OPT in taxes ended up in the Israeli treasury (ibid, para. 283 & 400).

Additional taxes were introduced as early as 10 September 1967 as Military Order 120 introduced village tax, poll tax and education tax. Since the occupation, land tax had been increased three times and was collected as government tax. Stamp duties under Jordanian law for daily transactions were increased 15 times after 1967 and bridge-crossing tax was introduced⁴⁶. It was estimated that in 1986, travel taxes amounted to over \$32 million, in addition to 30-40 million paid annually in custom fees at the bridges and about \$3 million from taxis and trucks crossing the bridge. The total amount collected for travel permit renewal is estimated at \$200,000 annually. In 1988, M.O. 1249 a new tax was introduced for Payment of Special Fee for vehicles

⁴⁷.

⁴⁶ Soon after the occupation, border crossings "bridges" on the River Jordan between Jordan and the OPT were established to enable the movement of Palestinians with Jordanian passports between the two banks of the river. The river crossing was also the main gate that linked the Palestinians with the rest of the world and facilitated the export of Palestinian agricultural products and goods.

⁴⁷ This tax was popularly dubbed the "Intifada Tax". The reasons stated for introducing the tax were "due to the present circumstances there is a shortage of

2.4.2 Customs Fees and Excise:

Over 60 military orders were issued determining custom fees on all imports to, and exports from the OPT. *Military Order 31* (27.6.1967), vested absolute power and decision making related to customs fees and excises in the hands of the Israeli Area Commander who would appoint an Officer in charge of customs and excise duties. Tariffs and VAT were charged on all imports even when they were in transit through Israel (JMCC, p.91, 1992).

Military Order 309 (16.2.1969), authorises any person appointed by the Head of Customs and Excise department to arrest without a warrant anyone who violates or is suspected of violating any of the laws specified in M.O. 31.

Military Order 378 added more powers of seizure;

"Officials may seize and detain wares, objects, animals, documents, or any item pertaining to which he has reason to believe an offence against customs and excise has been or about to be committed."

Property may also be seized, by order of a military court, in order to persuade a person to come out of hiding (*ibid*, article 82-a); any premises may be searched at any time if there is reason to suspect they have been used to commit an offence to house or property liable to be seized, (*Ibid*, article 81). Vehicles may be stopped by force if necessary, (*Ibid*, article 83).

finances to cover the vital services to the public."
(Stephens, 1990).

Table (14.1)**Income Tax as a percentage of Annual Gross Wage**

Annual Gross Wage (NIS)	Israeli Earner %	West Bank Earner %
12,000	5.8	13.0
24,000	18.3	28.5
36,000	26.3	36.9
48,000	31.1	41.4
60,000	34.1	45.0

Source: S.J. Baxendale, "Taxation income in Israel and the West Bank: A Comparative Study, 1989, cited by Stephen, 1990

Table (14.2)

Income Tax for wage earner with two children, whose spouse does not earn income (Source, B'Tselem, 1991):

Monthly Income	Tax in Israel	Tax in OPT Sept. 1991	Tax in OPT Jan. 1991
400	-176	2.5	0
500	-176	7.2	0
600	-176	12.6	5
700	-176	19.2	13
800	-176	28.0	21
1,000	-176	53.0	33
1,500	-176	196.4	122
1,970	-152	443.0	255
4,000	+655	2,174.0	1,117

The table takes into account an allowance for children derived from income tax, paid in Israel through National Insurance.

2.4.3 Value Added Tax

Further to the changes imposed on tax law and additional taxes, the introduction of Value Added Tax in the OPT had had severe repercussions on the Palestinian economy and the ability of the private sector to invest and expand.

The introduction of this tax by the issue of military Order 658 (1.7.1976), is illegal under international Law (The Geneva Convention and the Hague Declaration) which forbids the imposition of new taxes in occupied areas. The new tax provoked strong opposition among Palestinian politicians and businessmen who appealed to the Israeli High Court of Justice in 1983. However in defiance of international law, the decision was upheld by the Court.

Regardless of the legal aspects, the introduction of the tax as UNCTAD found, carries elements of inequity in the territories. The introduction of VAT in Israel was balanced by income tax reductions. It also compensated low income families who do not benefit from the reductions in direct tax. None of the compensatory considerations have been applied to Palestinians. UNCTAD points out that;

"On the whole, the VAT has evolved over the past few years to become one of the most fiscal constraints to the development of Palestinian industry and trade" (UNCTAD, 1987, para.404)

The tax system prevailing in the OPT as UNCTAD concluded;

".. has been largely confined to the traditional role of providing revenues for the government. As such its role in resource allocation through influencing entrepreneurial decisions has been nil. None of the existing old and new investment related incentives are at work in the territories...the amendments to existing taxes and the imposition of new taxes have served to discourage entrepreneurs. This appears to be in stark contrast to the range of incentives extended to Israeli settlers and their businesses in the occupied territories" (ibid. para 405).

International and Israeli observers argue that most of the revenue of tax levied from the occupied population was channelled to the national Israeli budget and to the

building of Jewish colonies. The Israeli government continued, however, to claim that the tax collected from the OPT was returned in the form of services and development projects, for the benefit of local tax payers (Civilian Administration Annual Report, 1985).

UNCTAD examination of the national income accounts of the territories found little evidence of the tax revenue being used in the territories (UNCTAD/ST/SEU/3, 1987, p.101). Benvenisti refers to tax collected from Palestinians to supplement the Israeli economy and calls it "occupation tax". He argues that;

"In 1987 alone, when the Civilian government budget became balanced, at least \$US 80 million of Palestinian contribution were directed to the Israeli public expenditure..the 1986-1987 "occupation tax" could have doubled the territories development budget of that year."⁴⁸.

Government taxation policies are criticized by taxpayers in many countries, including Israel. However, Israel's taxation policy in Palestine was based on money collected by the occupier from those under his occupation. The Palestinian taxpayer was different from other tax payers as he/she:

- was not paying tax to his national government but to his occupier,
- was not represented at the decision making level when these taxes were fixed, nor could he anticipate when and why new taxes would be imposed, and where and how the tax revenue would be used.
- paid more than taxpayers in Israel and Jewish colonies on his land, with less favourable treatment and no concessions,
- had limited, or no, chance of appeal against overcharging,
- already suffered economic hardship and loss of income as a result of military conditions, frequent

⁴⁸ Meron Benvenisti, 1987 Report; Demographic, Economic, Legal, Social and Political developments in the West Bank, p. 30, cited by Stephen, 1990.

- curfews and closures which were not taken into account by tax assessors,
- was forced to pay tax under duress and threat of punishment and physical military force,
 - did not benefit from tax revenues by improved public or social services.

Consequently, the implication of Israeli taxation policies in the OPT was not only confined to material loss of income the residents had to endure, but also the psychological impact of an atmosphere of fear, mistrust and intimidation. During interviews with business and property owners, many expressed their reluctance to invest because of existing tax burden and fear of additional taxes. A number of respondents declared that the tax assessor used any improvement carried out on their property as an indication of increased profit and consequently a justification for higher taxes. All respondents to the questionnaire confirmed that tax was a serious obstacle to improving their property and the development of their city.

Conclusions:

During the occupation the Palestinian economy was constrained by restrictions and obstacles created by the Israeli administrative and fiscal policies in the occupied territories. The Israeli authorities changed the laws that existed before the occupation and imposed new legislation. Their policies and practices, with regard to the financial sector in the OPT, aimed at ensuring their control over every facet of economic activities and the complete subordination of the Palestinian economy to the Israeli economy, thus making it complimentary to, and dependent on, its own.

The situation with regard to the financial sector in the OPT during the occupation could be summarised as:

- It was characterised by the absence of an indigenous banking system, financial institutions or any effective mechanism to promote investment and stimulate the economic needs in the OPT.

- The closure of all Arab and non-Arab banks and the absence of financial institutions resulted in the absence of any channel able to provide credit and saving facilities and direct investment.
- There was a severe shortage in government investment which meant that most investment was provided by the private sector.
- The ability of Palestinian businessmen and private investors to create new businesses and job opportunities and contribute to improve the economy was severely hampered by Israeli obstacles such as: increased taxes, restrictions on exports and trade, restrictions and sometimes ban on transferring money from abroad, high income and corporate taxes and the introduction of value added tax.
- The Palestinian salaried workers and small business owners and investors saw their income tax multiply under occupation and new direct and indirect taxes introduced by their occupier. Such policies were imposed regardless of the worsening economic situation in the OPT and loss of business and income particularly during the Intifada. These conditions discouraged local investment and restricted the ability of Palestinians to improve or expand their businesses and homes and improve their living conditions.
- Furthermore, Palestinians were frustrated by the favourable treatment to Jewish settlers on their land by the occupation authority. The revenue from tax collected from the OPT was used to finance public projects and infrastructure in Jewish colonies without any benefit to the local highly taxed Palestinians.
- External assistance by International and Arab countries were frustrated by restrictions imposed on the amount of aid that was allowed. Israel insisted on

channelling all external financial aid to the Civilian Administration. Thus, the Israeli authorities ensured full control of all operations to determine the type of projects, their location and who should benefit from them, regardless of Palestinian needs and priorities.

UNCTAD 1989 report on the state of the Palestinian economy, made the following assessment:

"The economy that has thus emerged in the OPT is subject to a range of pressures and weaknesses and sorely lacks the sense of purpose and direction that can be imparted by an indigenous central authority. In these circumstances, a stable and rational development path and concomitant policies and measures cannot emerge spontaneously. While indicators are at times discernable, these do not reflect the emergence of sound indigenous basis for sustained growth and development of the Palestinian economy. Today the problem runs deeper than delineating the complex web of Israeli policies and measures which inhibit or simply ignore Palestinian economic development.

The adverse effect of these policies, the impact of 21 years of unequal competition with the Israeli economy and the inability to further develop the territories historic economic relationship with the Arab hinterland have combined to shape a new Palestinian economy. It is an economy which is fragmented, lacking of internal consistency, and forcibly prevented from taking its own affairs into hand and forging the most appropriate development path through effective mobilisation of the human and natural resources at its disposal." (UNCTAD/RDP/SEU/1, 1989, p.2, para 5).

Without an indigenous national economy, central government support, or external assistance and with the lack of the basic components of an independent financial sector, both the public and private sectors were unable to plan and invest in urban development projects. The situation was aggravated by restrictions imposed on the use of available funds.

Therefore, both public and private sectors were incapable of providing basic needs such as new housing, public utilities and infrastructure nor were they able to maintain, upgrade and renew existing stock and halt the deterioration in the built environment.

CHAPTER VII

The Impact of the Israeli Administration on Local Institutions, Private Formal and Informal Sectors:

Review of Administrative Structures and Institutions in
the Occupied Palestinian Territories 1967-1994,
prevailing building and safety codes, environmental and
conservation policies.

Introduction:

"Israel has no plans to leave Judea, Samaria and Gaza, nor will it ever have such plans..we have built in the past, we are building now, and we will build in the future." ⁴⁹

The paradox of the Israeli administration of the Palestinian territories lies in the fact that the presence of Israel in these territories is considered as a temporary illegal military occupation under international law (The Hague Regulation, 1907 & Fourth Geneva Convention, 1949), and by the entire international world community and organisations (UN and Security Council resolutions 1967-1993). However, over the years, the policies and practices of various Israeli governments were creating drastic geographical and demographic changes leading to a more permeant presence of the occupying force in part or all of the territories.

The declared political objectives of the Likud government had always been the complete integration of the territories as part of Eretz Israel (Greater Israel). Although it was willing to concede limited autonomy for Palestinians over increasingly diminishing land (Map 8-14), its final intention was to stay in the occupied territories indefinitely. On the other hand, Labours' policy was to return part of the occupied territories, although it was still unwilling to abide by UN resolutions and withdraw from the Arab land it occupied in 1967. The difference between the two ideologies had been mainly quantitative.

During the first years of occupation, the Israeli authority, in charge of the OPT and population, was called the military Administration (1967-1981). The Likud government, in an effort to imply a softer approach to the OPT, and under the pretext of preparing or implementing the "autonomy for residents" plan within the framework of the Camp David agreement, created a "Civilian

⁴⁹ Ariel Sharon, Likud Housing minister, quoted in the Jerusalem Post 1991, cited by JMCC, 1992, p.17.

Administration" in 1981 (M.O.947 & 950 and section 2.1 above). However, many would argue that the aim was to prepare for the final annexation and integration of the occupied territories as part of Israel (Benvinisti, 1986, Shehadeh, 1988)

This move separated the military branch from the civilian branch of the military government which was described in an UNCTAD report thus;

"The significance of the Civilian Administration goes beyond the exigencies which brought about its establishment. It represents the passage from an ad-hoc military government to a more permanent system of rule over the local population." (UNCTAD/ST/SEU/3, 1987, p.8, para.10).

While the International community, represented by the UN and other organisations, continued to demand the withdrawal of Israel from the occupied territories and pass resolutions from 1967 (including those condemning land confiscation, settlement building and deportations), the Israeli authorities were gradually and systematically changing facts on the ground.

Meanwhile, Palestinians, their land, and natural resources, remained unprotected and ruled by an army of occupation and its military enactments. Thus, regardless of the name given to the "Administration", the Palestinian territories continued to be under military occupation from 1967 and until the completion of this study.

In the absence of a national central government, Palestinian local councils and institutions struggled to survive and to provide the local population with their basic needs.

Their efforts were often hampered by lack of financial and technical resources and absence of any support from central authorities (The Israeli Administration), and above all, by the various obstacles and severe restrictions created by the authorities for political reasons and objectives.

In response to the dire conditions in the OPT, the lack of effective local institutions and the inadequacy of service provision, Palestinian groups took the initiative to provide some of the needed services and formed various private voluntary organisations (PVOs).

This chapter examines the structure, composition and powers of the Israeli Administration of the OPT to enable an understanding of their effect on the extent of powers and abilities of local councils and various institutions. It then examines the resultant changes in the structures and capabilities of municipalities, and the main obstacles that stopped them from playing an effective role in the urban development of their towns. The abilities and changing roles of the chambers of commerce, academic and professional institutions are also considered, together with the subsequent rise and increase of voluntary and community based organisations.

SECTION 1:

Local Authorities, professional and academic institutions and their role in urban development during the occupation

1.1 The Israeli Administrative Structures and Central Authority:

On the first day of the occupation, Military Proclamation (2) endowed the Area Commander with all legislative, executive and judicial powers. It declared that laws, which were in force up to that day (7.6.1967,) "shall remain in force as long as these are not superseded by a subsequent military order".

The assumption of all authorities by the Israeli Military government established shortly after the occupation and the issue of the above Proclamation, transferred all decision making and policy formulation responsibilities in the occupied territories to the Prime minister of Israel and the Minister of Defence. Policy implementation and day-to-day decisions were entrusted with the military administration assisted by personnel recruited from various government ministries and from non-government agencies. The

new system made no provision for any institutional or formal mechanism for local participation in the formulation of these policies (UNCTAD/ST/SEU/3, 1987, para.7, p.6).

Upon the issue of this proclamation, the Area Commander assumed control over any property, vehicle, money or ammunition which previously belonged to the Jordanian government or any associated organisation. Proclamation (3) followed and stipulated that military courts and their directors shall adhere to the Geneva Convention, 1949 for the protection of civilians during war and relating to judicial procedures. The reference to the Convention cited certain clauses concerning detention, searching, confiscating, restriction on movement, censorship, curfews and appointment of a military commander and specifies his jurisdiction and powers.

Consequently, the clauses in the Convention which justified certain conditions in time war and temporary occupation formulated the foundation for the Israeli Policies and practices in Palestine after 1967.

The reference in the Convention to the protection of persons and property (Part I, article 4 & Part III, Sections 1-3), the prohibition of property confiscation and transfer of civilians was ignored on the basis that this only applied to temporary occupation. On the other hand, such logic was not extended to the application of military enactments and security provisions, governing a whole nation, during one of the longest military occupation in recent history.

The Israeli Authorities in the OPT represented the central government all through the years of occupation. While it did not clearly establish branches of its own ministries in the OPT, administrative structures of various offices within the military head quarters corresponded with those in the Israeli government. However, there are two significant differences between the administrative structures of Israel and those extended over the OPT;

1. In Israel, government offices, departments and relevant organisations are comprised of Israeli citizens appointed by and working for their own elected government and serving their own people. On the other hand in the occupied territories, and as far as Palestinians were concerned, all these central government departments and institutions were staffed by foreign military and civil officials and personnel, appointed by a foreign military force which served its own government and its political objectives. Thus the first significant difference is that Palestinians were ruled by a foreign military occupier acting on behalf of its own government. Consequently, there had been an obvious conflict of interest during the Israeli Administration of the OPT as the political objectives of the administrator/occupier conflicted with the needs and welfare of the administered/occupied.

2. The administrative structure in Israel is based on a hierarchy of power whereby a three tier system is in operation at the central, district and local levels. The Israelis and their representatives participate in all operations at the three levels (Chapter VI, Section 1). Local authorities are vested with certain legislative and executive powers to enable them to make decisions and take actions at the local level.

Although such a legal and administrative system was transferred to the Jewish colonies in the occupied territories, it was not, however, transferred to Palestinian towns and villages. This included the administrative structures in these colonies as well as all laws and legislation such as criminal laws, tax, insurance legislation, defence and others ⁵⁰. In effect, Israelis residing in the State as well as Jewish settlers living in

⁵⁰ To enable an extension of Israeli laws to settlers, the meaning of Israeli resident was redefined in Emergency Regulations 6B, 1984 as: "any person whose place of residence is in the region and who is an Israeli citizen or entitled to acquire Israeli citizenship pursuant to the Law of Return, 1950." (Shehadeh, 1988, p.66)

the OPT enjoyed the democratic rights of electing their central government, their local councils and having representatives in every field at all levels.

The second significant difference, therefore, is that in addition to the exclusion of Palestinians from the "central government", they could not benefit from the extension, to their land, of the Israeli "democratic" system of empowering local council. Thus, all authorities dealing with Palestinians were centralised under the control of the Israeli Administration whether it was called military or civilian.

1.1.1 The Military Authority and Security Provisions:

An Israeli human rights report described how the military government in the West Bank exercised absolute control over Palestinians in the following manner:

"Each branch is headed by an army officer who is responsible for the activity of civilian offices functioning under him. The number and titles of the offices correspond basically to those of the Israeli government ministries. Each office is headed by a staff officer who is a civilian representative of the relevant Israeli ministry." ⁵¹

The Area Commander of the Israeli Defence Forces (IDF), working under the Minister of Defence acted as the supreme authority in the territories. His powers were described thus;

"The Area Commander is the exclusive formal authority within the area. He is the legislator, he is the head of the executive and he appoints local officials and local judges" (ibid)

Immediately after the occupation, the Minister of Justice introduced regulations entitled Emergency regulations, 1967. These were based on Israeli Law and Administration Ordinance of 1948 which gave the Prime Minister or any

⁵¹ Singer, Joel, *The Establishment of a Civil Administration in the Areas Administered by Israel*, in Israel Yearbook on Human Rights, Vol.12, 1982, p.247, cited in Shehadeh, 1988, p.69.

other Minister, the power to enact emergency regulations following a public declaration that a state of emergency existed.

"..as may be expedient in the interests of the defence of the state, public security and the maintenance of supplies and essential services" (section 9(a))."

The validity of these regulations continued to be extended annually and later bi-annually by the Israeli Keneset all through the years of the occupation. This continuous state of emergency and the subsequent issue of security provisions continued to be the basic tools that facilitated and justified all Israeli policies and practices in the OPT.

Military Order 378 (14.4.1970), concerning security provisions established the legal basis for consequent military actions in the OPT. It established military courts, defined their structures and scope of their jurisdiction, conviction and sentencing procedures (Section 2 of the order). It provided elaborate definitions of "Offenses" (Section 3). It also gave the military officers wide powers for arrest, search, seizure and forfeiture (Section 4), and for issuing restriction orders, supervision orders and administrative detention (Section 5). It gave the Military Commander, or a person acting under the general or specific authority of a Military Commander, the power to issue instructions to restrict traffic and declare curfews.

Consequently, the Israeli army (IDF) was virtually given a free hand to take any action against Palestinian civilians under the pretext of security. The severity of measures and actions, related to security provisions, taken by the Israeli army was demonstrated during the Intifada and is well documented in various human rights organisations reports and affidavits from individual Palestinians (Al Haq annual reports and records, B'Tselem report 1991/1992, Playfair, 1987, Authors survey 1993).

1.1.2 The Civilian Administration

Military Order 947 (8.11.1981), concerning the establishment of a "Civilian Administration" was also issued by the Israeli Defence Force Area Commander who was responsible for appointing the "Head of the Civilian Administration". The order stipulated that:

"The Civilian Administration will administer the civilian affairs in the region, in accordance with the directives of this order, for the well being and good of the population and in order to supply and implement public services, and taking into consideration the need to maintain an orderly administration and public order in the region." (Article 2).

The order, as Shehadeh demonstrates, had two main and closely related effects;

1. it institutionalised the already existing separation of the civilian from the military functions in the military government by formally establishing a new structure of civilian governments empowered to act within the powers determined by the order,
2. it also enabled altering the temporary nature of the vast number of Military Orders and legislative enactments issued since 1967, to the status of permanent laws (Shehadeh, 1988, p.69-70).

The establishment of the new administration and the powers given to the Head of the Civilian Administration (HCA) facilitated this change. A clear definition of the powers vested in the HCA was specified in Article 3 and 4 of the order thus:

"The Head of the Civilian Administration shall be accorded powers as detailed below:

1. All the powers set forth in the law, except for powers set forth in acts of legislation that are detailed in the first appendix.
2. All powers set forth in the security provisions as detailed in the second appendix " (Article 3 (A))."

Article 4 of the order empowered the Head of the Civilian Administration (HCA) to proclaim subsidiary legislation by virtue of the law and the security provisions according to which he was empowered to act. While Article 5 accorded him

with the power to; appoint office holders in the Civilian Administration, authorise any person to act according to the law and to security provisions and to authorise others to issue subsidiary legislation by virtue of the law and the security provision.

However, by defining the powers of the HCA, the order implied that all powers, not transferred to the Civilian Administration, were military and security issues which remained under the control of the Military Area Commander. Thus the HCA was empowered to administer a corpus of military orders and legislative enactments. Schedule 2 of M.O.947 included 170 orders which came under the administration of the HCA. These included the control and regulation of:

- All issues related to the financial sector such as taxes, customs and duties, imports and exports, banks and insurance.
- All issues related to land ownership, use and registration.
- All issues related to public utilities and services such as water, electricity, telephone and postal services, roads traffic and highways.

Some of the above issues and others included in the orders were totally incorporated within the Israeli system such as roads, insurance and banking (when the first Arab bank reopened in 1987). Others dealt with licensing of professionals and regulating civil service personnel; a number dealt with the supervision of publications, books plays and films.

This new development rendered an already weak local system of public administration in the territories incapable of fulfilling its responsibilities and meeting the growing needs of the population (UNCTAD, 1987, para.11). UNCTAD found that this deprived the local population from effectively participating in the design, formulation and implementation of programmes related to the economic and social development of their country.

1.1.3 Relationship between the Military and Civilian Administration:

Regardless of the changed name and division of functions between the civilian and military, as far as the Palestinian population was concerned, the structure of the new administration remained basically the same as it continued to be staffed by military personnel or Israeli civilians working under them. The "new" administration was established by the Military Commander of the West Bank, and created by a military Order and its Head was appointed by the Area Commander to whom he was accountable.

The Civilian Administration, until the completion of this study, was still located within the military HQ at Beit Eil, and was still inaccessible to Palestinians.

The Area Commander accorded the Head of the Civilian Administration all powers set by the law with additional powers assigned in security provisions which he could exercise in his name and on his behalf and which he could decrease or increase as he saw fit (Ibid). A memorandum issued by the legal advisor to the Military Government confirmed that the Commander still legislates in civil and military matters, thus effective authority and source of power remained with the Area Commander. Nevertheless, the Commander of the Israeli Defence Forces confirmed his ultimate authority in M.O.950 (16.12.1981). The order amended M.O.947 to confirm that;

"In order to remove any doubt nothing in the previous provisions of this order restricts or abrogates any privilege or power vested in the Commander of the Israeli Defence Forces in the area in whoever was appointed by him or his agents."

Shehadeh argues that by the issue of this order a clear distinction was created thus;

"between legislative powers to create structures and set broad policies, which remains within the exclusive domain of the military government, and the administrative authority to dispense patronage selectively within that framework", (Shehadeh, 1988, p.73)

Most of the orders were issued, prior to the establishment of the Civilian Administration, to set up the legislative structures. Although the HCA was given the power to administer these structures he had no power to alter or amend them. Nevertheless, he and his delegates were given substantial latitudes to exercise their discretion in granting or holding permits by virtue of laws and military orders.

1.2 The role of Palestinian municipal councils and changes imposed during the occupation:

Prior to the changes imposed on Jordanian Law 79 of Planning Cities, Villages and Buildings, 1966 (M.O.418 and section 2.1 above), a number of orders were issued which had adverse effects on the original municipal laws. Under Jordanian rule, the public administration in the West Bank was entrusted to local authorities. Municipal Law 29, 1955 and its amendments gave the municipal government the authority to act in 40 different areas including town and road planning and zoning, issue of building permits, service provision (water, electricity, gas, sewerage systems), regulating the use of water and public markets, business activities, transportation, public health, town protection and civil defence, cultural and sports activities and others (Law 29, Article 40/a).

Until 1967, municipal councils served as the highest indigenous political institutions at the local level and comprised elected members with elections taking place every four years. Contrary to Jordanian laws, after 1967, elections were held once in 1976 in the West Bank while none was held in the Gaza Strip during the occupation.

In view of the absence of a national government, Palestinian municipal councils became the most important local institutions that could provide public services, collect taxes and fees and be instrumental in creating job opportunities, and undertaking public projects and development programmes. However, the reduction of their powers and authority, which they enjoyed before 1967, and

Israeli constraints introduced through military orders and legislation, restricted their ability to fulfil their role.

Order 194 (25.12.1967) amended the Jordanian Municipal Law 29, 1955 and transferred all jurisdiction granted or appointment made under it, to the Israeli official in charge. The order also gave the officer in charge the power to appoint different people to replace all the appointments cancelled by the order. Soon afterwards, *M.O 236 (26.3.1968)* was issued and granted the officer in charge of internal affairs retroactive jurisdiction, previously endowed to the Jordanian government and the king. Fifteen additional orders amending M.O. 194 and 236 were issued between 1967 and 1987.

Most of the changes, brought about by the above two orders, were not directly felt by the local authorities and various professionals in the OPT. It was only after the issue of M.O. 393(1970), M.O. 418 (1971) and further amendments to Municipal Law 29, that the systematic decrease and weakening of Palestinian authorities and the increase of Israeli controls over issues of planning, land use and urban development became evident.

More significant changes were introduced to Municipal Law 29, 1955 by the issue of *Military Order 537 (17.2.1974)*. The order gave the Area Commander wide ranging powers including; the right to employ people to fulfil the municipal services which have not been carried out by municipal authorities, or oblige the authorities to do the job. He was also given power to appoint an investigation committee to study the municipal boundaries or any development projects or activities carried out by the municipality. Moreover, he was also empowered to order modification of any municipal boundary. The significance of this order only became clear after few years of its issue.

Military Order 830 (8.4.1980) ordered municipalities to continue to function, even if they lacked a quorum, until they were suspended by a future military order. This was

later amended by M.O. 965 (11.3.1982) which ordered the municipal councils to remain in office until a new order was issued by the Civilian Administration. Two weeks later M.O. 970 (25.3.1982) granted the jurisdiction, originally given to mayors, to the appropriate authority to be appointed by the Area Military Commander until a new mayor was appointed.

This order entitled " Order Concerning Vesting Jurisdiction in Nablus Municipality" (provisional instructions) followed the dismissal of the duly elected mayor of Nablus and forced the resignation of the council. Similarly M.O. 971, issued on the same day, transferred the mayor of Ramallah's jurisdiction to an "appropriate" authority appointed by the Area Military Commander after dismissing the elected mayor.

These two orders complemented M.O. 537, 1974 and were followed by M.O 993 and 994 both issued on 10.6.1982 concerning vesting Jurisdiction in the Municipalities of Nablus and Ramallah respectively. The two identical orders stated that;

"if the Head of the Civilian Administration is convinced that either a member or the entire membership of the municipal council are refusing to cooperate with the appropriate authority' then it is permissible for him to transfer all the jurisdiction granted to that municipal council."

These last two orders paved the way for Israeli councils to replace Palestinian councils in the two towns.

Military Order 1049 (28.2.1983) amended M.O. 830 to extend services of municipal councils by stating;

"If the municipal council tenure is terminated, a committee to administer the municipality can be appointed by the head of the Civil Administration and it will remain in service regardless of any law or legislation".

Thus the Israeli control on all Palestinian authorities was complete.

In 1983 two further military orders were issued. *M.O. 1063* (7.7.1983) dismissed the Hebron Municipal council and *M.O. 1064* (8.7.1983), vested all jurisdiction previously granted to the Arab council to the "appropriate authority" appointed by the Military Commander.

The Palestinians considered the latest moves to represent the loss of their only indigenous authority and the final nail in the coffin of their independence and national rights. As a result, a period of disruption of services and civil disobedience on the part of Palestinian engineers and personnel in most municipalities followed the Israeli takeover. The only two departments which continued to function in municipalities were the fire brigade and the maintenance department in order to carry out emergency work.

According to a number of municipality employees, the Israeli army forced the Palestinians to go to the municipality to work under the new Israeli council. The Chief engineer in Nablus was escorted, by force, in an army vehicle, to his office at the municipality. Although he and others went to their offices, they refused to work with the Israeli council which was comprised of military personnel (Arafat, Shakhsheir, 1993).

The Israeli council appointed Israeli engineers and architects and some new Palestinian architects from other towns who accepted to work with the new council. However, all members of the new council and their staff were boycotted by the majority of the original staff and local residents (Arafat & Touqan, 1993).

1.3 Municipal Powers and Finance:

General

1.3.1 Legislative Authority:

As discussed above, the military orders abolished all local and district planning councils and transferred all planning authorities to an Israeli Higher Planning Council. Therefore Palestinian municipal councils with reduced powers came under the full control of an Israeli authority.

The legislative authority of local municipal council were confined to the issue of permits for small scale residential and commercial projects within their boundaries, which could be over ruled by the CPD or HPC at any time (M.O.418, Article 7.3 &7.4, & Table 11-13 above).

Municipal councils were not represented in either the HPC or the CPD. All decisions were made without even notifying them. Municipal officials very often only learned of new legislation if it was relevant to a permit application or a detailed plan submitted for approval.

It is worthy of note that most of the M.O.s which drastically changed the laws and legislation dealing with planning, land use and control, central and local authorities and institutional structures, were issued during the early days of the occupation under a Labour government. However, these were not strictly implemented until the right wing government of the Likud party took over.

According to Nablus municipality personnel and engineers, the repercussions of the changed laws and transfer of powers at the local level were only realised after the change of government in 1976. Nevertheless, it was a Labour government which had created the legal framework to control land, construction, development and the institutional structures of central and local authorities and facilitated the colonisation process of Palestinian territories. This process was started in earnest by Likud as soon as they came to power.

Most professionals, academics and politicians dealing with urban development in the OPT have noted the difference in the attitude of the HPC under Labour and under Likud (R. Abdul hadi, Abu Eishah, H. Arafat, Batrawi, Khamayseh & H. Touqan, 1993). It was no coincidence that the process of land acquisition and establishment of Jewish colonies was confined to areas of security significance under the former, while it took a more expansionist trend under the

latter, (Jewish settlements proposed plans: Maps 14-18). Thus the process of land confiscation and establishment of Jewish settlements, related roads and structures was accelerated all over the occupied territories. The new government policy was to establish these colonies near Palestinian towns and urban centres unlike the previous governments (Benvenisti, Shehadeh 1988, Coon, 1992), as can be seen on the above maps.

Although the HPC and its executive arm the CPD, under the labour government, exercised full control over land outside municipal boundaries, it allowed municipalities to exercise their limited powers within their boundaries. It also approved detailed plans and allowed limited development outside the boundaries as decisions related to development were often based on professional considerations, rather than political interests, (Arafat, Hanbali, Khayat, Nabulsi & Touqan, 1993).

1.3.2 Finance:

Municipal and local councils in the occupied territories were also deprived of funds, technical staff, and any form of government support. In addition, they were not allowed to receive outside funding from donors or foreign investors. Any source of financial support had to be approved by the occupation authority. Severe restrictions were imposed on the amount of money residents were allowed to bring to the occupied territory and local councils could receive from Arab and international donors.

Before 1967, municipalities received a certain percentage of revenues from tax collection from the sale of gasoline which constituted a significant part of their budget. Special funds were made available by the Jordanian government to the disposal of municipalities for development projects on easy terms and granted them loans subject to the approval of the District Commissioner. Nevertheless, municipalities acted independently at the regional level regarding the provision of various social services projects.

All these arrangements were abolished after the occupation and municipalities were denied the ability to exercise any significant legislative powers as they became subject to the legislative and executive authority of the military commander (UNCTAD/ST/SEU/3, 1987, p.193, para 252).

All through the occupation, the amount of the Israeli administration's contribution in the shape of grants and loans to municipalities depended on the political climate in the territories and the level of satisfaction with any particular municipality. The amount of grants and contributions underwent a steady decline over the period of 1980-1984 after the change of government in Israel, (ibid, para.256). Following the eruption of the Intifada in 1987, grants and loans all but stopped (Hanabli,1992, H.Touqan,1993).

Moreover, the level of these loans and grants were adjusted by the authorities depending on the revenues received by the municipalities from Jordan and other Arab or non-Arab sources (Ibid).

Consequently, municipalities were unable to carry out new projects (water, electricity, roads, provision of social services and others) without the prior approval of the Israeli authorities, which was either denied or delayed for a long time. Moreover, local councils were continuously under threat of being dismissed (Hebron, Nablus, Ramallah), exiled from their own country (Hebron, Jerusalem ,Ramallah) and taken over by the Israeli military.

Municipalities were also denied the right to introduce new taxes and fees or change their rates or collection procedures without the prior approval of the Israeli authorities (UNCTAD, 1987, para. 254). Furthermore, the absence of financial institutions and Arab and foreign banks in the OPT (Chapter VI, Section 2) meant that there was no organisation to give financial assistance or to offer investment guidance, saving and credit facilities to local Palestinian residents. This also affected the ability

of local councils to carry out essential public sector projects such as infrastructure, public buildings and others.

Severe import and export restrictions had also hampered the local authorities ability to import new machinery, or spare parts to replace their damaged machines and equipment which they were unable to maintain after the occupation (W. Assi, Bitar, Hanbali and Shaheen, 1992, and H. Touqan, 1992).

1.3.3 External assistance:

After 1967, the Jordanian government continued to support the municipalities in the West Bank through loans and grants from the Cities and Villages Development Bank and the Arab Bank.

The Jordanian- Palestinian Joint Committee, created in 1979, took over with funds donated by Arab, particularly Gulf, countries and from money provided by Palestinian expatriates (Ba'ba, 1993). However, to ensure their control over any external funds received by municipalities, the Israeli military authorities established a "Development Fund" into which all municipalities should transfer contributions received from this committee. As they failed to implement this scheme, Israeli authorities applied further restrictions on the amount of funds brought into the territories for municipal or any other purpose (UNCTAD, 1987, para. 253).

Although theoretically, Jordan's budgetary provision was maintained, municipalities could not spend available revenues without Israeli approval. The approval, as demonstrated during the Intifada, was subject to Israeli satisfaction with political conditions in Palestinian towns (H. Arafat, H. Touqan, 1993, & Item 1.4 below).

1.3.4 Management Skills and Training Facilities:

There was also virtually no training facilities and no opportunities for local authorities personnel and

engineers. International organisations needed the approval of the Civil Administration for any major administrative training programmes. Although few International scholarships were provided for some Palestinians at universities and councils, these were extremely limited and the Israeli authority had the final say as to whether the candidate was allowed, on security grounds, to leave the country to study or train abroad.

Organisational structures and staffing in municipalities did not change during the occupation to cater for new technical developments and subsequent needs. Most municipalities suffered from over-staffing at the administrative level and under-staffing at the technical level. Since senior staff at municipalities were denied access to training, exposure to outside development in managerial and technical skills and any form of "Central" government support, they were unable to utilise the available scarce human technical and financial resources at their disposal.

UNCTAD noted the dire need of Palestinian municipalities and local councils for action to improve their performance at all levels. The public administrative system was in need of modernising its revenue structure and processes, enhancing its resource mobilisation and increasing the capabilities of municipalities to enable; an adequate provision of services, improving the performance of employees at various levels through appropriate training programmes (ibid, para.191).

1.4 The Situation in Nablus:

1.4.1 Background

Until the completion of this study, Nablus like some other Palestinian towns, had had no municipal or local council from March 1988 ⁵². Relationship between Nablus municipal

⁵² Following the progress in the implementation of the Peace Accord and the establishment of a National Palestinian Authority (NPA) in Gaza and Jericho, the NPA appointed mayors to run such municipalities in

council and the Israeli authorities had been difficult from the first years of the occupation. Various members of consecutive councils were subject to harassment and intimidation over the years and the chief engineer in the municipality was deported for three years in 1969 (Arafat, Shakhshair, & Touqan, 1993). However, municipal officials and engineers maintained that, in general, conditions worsened after the Likud Party came to power in 1976.

The issue of M.O. 418, did not affect the ability of the council to function within its municipal boundaries albeit with much reduced powers. A reasonable working relationship between the engineers at the municipality and planners from the CPD was, however, established after the return of the engineer from his exile in the early 1970s (Arafat, 1993).

Arafat stated that, before Likud took over, permits were given by the CPD for projects on a professional basis and not according to political objectives. Arafat explained that they were able to implement the Jordanian law at the municipality, within the limit of their reduced authority, and obtain permits for projects outside municipal boundaries (ibid). According to many Palestinian architects and engineers in the private and public sectors, the Head of the Central Planning Department made his decisions, mainly, on professional basis. He exercised flexibility in implementing M.O.418 and considered the British Mandate plans obsolete and therefore unsuitable to meet local population needs, (H.Arafat, Dweik, Khamayseh, Khayat, & M.Nabulsi, 1993).

After the municipal elections of 1976 which resulted in the election of a "nationalist" council, the relationship between Nablus Municipal Council and other Palestinian councils on the one hand and the Israeli authorities on the other, changed as the former were considered to be PLO sympathizers. The election of a new Israeli government

July 1994, until a date for elections is agreed with Israel.

resulted in a complete breakdown of communication between the "Central" Israeli authority and the local Palestinian councils. This was aggravated by a noticeable acceleration in the confiscation of Palestinian land and in the establishment of Jewish colonies.

Building permits outside municipal boundaries and public projects within municipal boundaries were rejected without explanation and what turned out to be a systematic process of colonisation was under way.

During their rule of Nablus, the Israeli mayor and council showed no interest in improving the standards of living in the city, or in encouraging development and ensuring an adequate provision of services. Consequently, basic services were neglected and "Central" government grants and loans to the council were stopped in retaliation. Moreover, the number of building permits which were granted by the Israel council within municipal boundaries declined sharply and the number of building violations increased according to municipality officials (Table 3, Chapter IV).

In the absence of a Palestinian council and due to the difficulty in obtaining permits, local Nabulsis were forced to either build without permits or convert and extend their buildings without referring to the municipality. Thus, the physical and social condition of the city deteriorated to a great extent.

Planners and engineers, in both public and private sectors in Nablus, all noted the link between the decline in the level of service provision and quality of services and public utilities and the Israeli take over of the council. This, they agreed, was only matched by the decrease in building activities and the deterioration in the quality of construction.

Most high rise buildings completed during that period were constructed on green fields and were built with three to four extra floors over and above what was acceptable within

the regulations. According to engineers and planners in Nablus, the Israeli council did not follow the same criteria for development controls within the municipal boundaries which were implemented in Israel and the Jewish colonies.

As the general conditions in the city continued to worsen, local residents asked the Chamber of Commerce in Nablus to try and take control of the municipal council (Municipality files 1986-87 and Annual Report 1986, Touqan, 1993). The Chamber requested formally from the Israeli authorities to allow the Chamber to run the *Baladiyah*⁵³, and after a period of negotiations their request was accepted. This was carried out in coordination with and approval of both, the PLO and the Jordanian government (H. Touqan, 1993).

The Chairman and members of the Chamber took over the municipality in 1986 while maintaining their positions in the Chamber. The new mayor, was assassinated few months after he was appointed, and his deputy took over both positions. The new mayor tried to improve conditions in the city and meet some of the residents basic needs. He also tried to raise outside funding and to get permission from the authorities to allow it in (ibid).

Touqan recalled that during the first year of the councils' time in office and with relative decrease in violent incidence in the city, the Israeli authorities allowed the new council a "grace period" to improve the deteriorating condition of the built environment in the city after years of neglect and mismanagement. The councils applications for grants and loans were approved and some were delivered. The new council started to plan public projects including digging new water wells and establishing a new public market, new road construction and a new fire station and

⁵³ Baladiyah is Arabic for municipality. The term continued to be used by the Palestinians to refer to the remaining staff at the municipality who provided limited services for the local residents after the resignation of the Council in 1988.

others. The Civilian Administration promised to provide funds for these projects, and the Municipality obtained funds from the UNDP and other international donors for other public projects.

The Municipality embarked on a scheme for the restoration of historic buildings and monuments and the conservation of the historic core of Nablus and completed the renovation of the historic Khan Al Tujjar. It also implemented a number of landscaping projects and upgraded a number of streets and public spaces. However, there were no significant schemes aimed at the economic development of the city or a comprehensive plan that could meet its economic, social and physical needs.

In 1986, the council put forward proposals for the expansion of Nablus municipal boundaries to cater for the pressure of population growth and demand. The municipal council requested that the boundaries be increased from 18040 donums to 44000 donums. However, in 1987, the HPC approved an increase of 8500 donums which increased the boundaries to 26500 donums as shown on the table below (Nablus Municipality Report, 1987).

Table (15)
Nablus Municipal Boundaries

Year	Area in donums	Population ***	Donum/person
1963	18,040	62,000	0.29
1985*	18,040	115,000	0.16
1987**	26,500	115,000	0.23
2005	26,500	260,000	0.10

(Source: Nablus Municipality Annual Report, 1987)

- * Boundaries before expansion
- ** Boundaries after expansion
- *** All population figures are based on Israeli CBS estimates. Palestinian and independent sources estimated the population in Nablus to exceed 160,000 in 1987 which reduced the donum per person ratio

According to the Law, a Master "Skeletal" Plan had to be prepared by the municipal council in accordance with the new expansion and to be submitted to the HPC for their approval.

An private Israeli planner was initially commissioned to prepare a Master Plan for Nablus in 1986, however, his commission was terminated before the plan was completed, (Khayat & Touqan, 1993). Palestinian planners at the municipality considered that such plan should be prepared by the local professionals who know their town's needs and priorities, (Hanbali, 1992, & Touqan 1993).

The Plan which was submitted in 1990 was rejected by the CPD and returned for revisions a few times. According to municipal engineers they could never anticipate whether their plans would be rejected or whether if they met one additional requirement it would guarantee approval next time (Hanbali 1992, H.Arafat, M.Nabulsi, H.Touqan, 1993).

The Plan was still not approved at the time this survey was completed nor was any development allowed outside the old boundaries. Many argued that the boundary extension was never intended to be implemented and others explained that the authorities' rejection of the Plan was part of the collective punishment the Israeli occupation exercised in the OPT particularly following the Intifada and the subsequent resignation of the council in 1988.

According to Touqan, at the beginning of their second year in office, the Israeli authorities started to exert pressure on the council to take a more political role which would be more sympathetic to the Israeli position. The council insisted to function as a Palestinian Civil Service and refused to be politicised. Subsequently, the authorities started to apply financial squeeze on the council by refusing grants and stopping funds for half finished projects. New building permits were denied particularly those outside the old boundaries.

With the increased Palestinian unrest and the growing resistance to the Israeli military practices in the OPT, Israeli pressure on the municipality was increased as another form of collective punishment of the local population. The eruption of the full scale Intifada at the end of 1987 brought with it harsh and severe measures from the Israelis including shooting of civilians, arrests, long curfews, closure of business, and house demolition (Al Haq records and reports 1987-1993, B'Tselem Annual report 1990-1991 and records, Municipality files 1986-1988).

In the absence of a national authority that could protect the population, the residents turned to the Council to protect them and to try to mediate with the Area Military Commander. The Council repeated requests received no response from the authorities (Municipality Files 1987).

The new municipal council soon realized that it could not have any effective power to continue in its civil capacity and provide the minimum needs in the city. Nor could it act as representative of its people and be able to protect them and safeguard their interests in the face of severe "security" operations carried out by the IDF against them. There was the added pressure from leaders of the Civil Uprising for the council to resign as a form of united civil disobedience. Finally the Council, just over two years after it took over, resigned in March 1988. After the resignation of the council and until the completion of the study, Nablus had no mayor or council which created a legal void at the local level (Hanbali, 1993).

1.4.2 Nablus Municipality 1988-1994:

Until July 1994, Nablus municipality was administered by the municipality's Secretary who acted as caretaker and its technical departments were run by the municipality's Chief Engineer. Its technical staff consisted of some engineers, technicians, and a few skilled and unskilled labour who carried out emergency repair works. The Baladiyah was extremely short staffed on the technical level with no training facilities for its employees. However it was also

heavily staffed at the administrative and clerical level, which further stretched its already poor financial resources.

Responsibilities :

a. Local : The absence of a municipal council meant that no building permits could have been "legally" issued. It also meant that land owners were unable to apply for the subdivision of their land and consequently were unable to develop it. However in an attempt to help people in need of housing, the chief engineer embarked on a process of issuing "quasi permits".

The procedure involved examining the proposed plans and -if approved- a "temporary fee" for the application was paid. Subsequently the Engineer issued a receipt for the fee which was considered as a "quasi permit". The engineer's role was confined to studying, commenting on drawings and accepting fees. His weak position neither gave him real legislative executive status, nor did he have the guidance, support and backing of a national government. Consequently he had no power to supervise and ensure that buildings were constructed according to plans submitted and approved. Although he could issue notices in cases of violations, he had no power to penalize or to correct offenses.

The technical staff at the Baladiyah carried out emergency repair work for roads and services with very limited resources and manpower. However, frequent power cuts, water shortages, traffic congestion etc. could only be relieved temporarily (Assi, 1992).

The Baladiyah had neither the power nor the resources to plan or implement any local comprehensive plan that could bring about a long term solution to such problems. The Baladiyah was also responsible for service connections to subscribers once their application was approved, and for collecting connection fees and service revenues. However it had no power to disconnect in case of payment failure. A lot of revenue was lost due to illegal connections, leakage

and frequent power and water service failure which again, the municipality was unable to rectify.

Therefore, the absence of a municipal council resulted in the absence of any local executive power to ensure compliance with permit conditions, stop violations and take people who break the law to court. This fact encouraged some people to ignore the regulations. The dilemma that faced the local municipal staff was that to ensure that residents complied with the building law they had to refer the matter to the Israeli authorities "the enemy". This was a course few Palestinians would take regardless of their views towards certain actions and violations and their nature.

The Israeli authorities on the other hand, made no attempt to appoint a committee to take care of the municipality and ensure the provision of minimum services to the population as stipulated under International law. The Israeli Administration watched passively the deterioration in the provision and quality of services and the worsening physical condition in the city as it considered the Palestinians responsible for their own difficulties. The Administration continued to react swiftly and ruthlessly to any action it considered to be a security threat, including Palestinians refusal or inability to pay tax, (Chapt.VIII, item 1.3).

b. Central: As discussed above, the issue of M.O.418 limited the Baladiyahs' authority except for granting building permits for housing and commercial projects within its boundary. Any public building or industrial development had to be approved by the Israeli Central Planning Department (2.1 above). Their final decisions were made without coordination or consultation with the Baladiyah. The Baladiyah was not consulted also by the occupation authority on its decisions to confiscate land, demolish or evacuate houses. Neither did it have any power or channels to protest or appeal against such decisions.

However, in spite of its limitations, the municipality presented the only link between the local population and the Israeli authorities. The mayor also had access to foreign embassies and consulates where he could request some assistance concerning intervention on behalf of his constituency. The last mayor of Nablus succeeded in stopping the demolition of a large section of the historic core, which the Israeli authorities were planning to carry out to widen streets to allow for easy access of army vehicles in 1987. The mayor and his council stopped the Israeli plan by lobbying the international community through contacts with their embassies (H. Touqan, 1993).

Therefore, the absence of a local authority in Nablus after 1988 resulted in the loss of the last form of protection the local residents had.

Summary/ Conclusions :-

The military government, which took control of the OPT in 1967, maintained its legislative and executive authority all through the occupation. However, by the creation of the Civilian Administration in 1982, it delegated to it some of its administrative powers concerning civil issues.

International, local and Israeli professionals have been critical of the policies and practices of the Israeli administration in the OPT and in particular its effect on local municipalities and councils. The councils, dis-empowered, impoverished and in dire need of human and financial resources, training and technical support could not fulfil their role and serve their communities during the long years of occupation.

The situation in Palestine with respect to its public administration was summarised by an UNCTAD report thus;

"As experience has shown throughout the developing world, a major limitation on the capacity of government to provide public services to a growing population and to mobilize human and material resources has been the inadequacy of public administration. These shortcomings are magnified in the territories, where a weak fragmented system of

local government has been subjected to harsh treatment over the past 20 years" (UNCTAD/ST/SEU/3, 1987, p.8.para.11).

It should be noted that this assessment was made before the eruption of the Intifada at the end of 1987. After the report was published the Palestinian territories went through their worst years of violence and subsequent hardship and the population was subjected to various forms of collective punishment at the hands of the military.

The Israeli Administration policies in the OPT can be summarised as ⁵⁴:

- The Israeli Administration was **highly centralised** with all decision making powers and government related departments in the hand of the Military government and Civilian Administration.
- The Administration was **discriminatory** as all decision making roles and administrative departments representing the central government were appointed, run and staffed by Israelis.
- It was **exclusive** to Israelis, as no Palestinian representatives were informed or consulted about all issues and policies that the Israeli Central authorities took on their behalf.
- It **weakened and marginalised municipal councils**, deprived them of funds, access to external funds, training facilities and any form of technical support.
- Its political objectives particularly after 1976 were in direct **conflict** with the needs and concerns of the Palestinian community which was under their control.
- It **defied the requirements of international law** concerning the occupiers' responsibilities towards the civilian population under its control and its duty to protect persons and property as it acted:

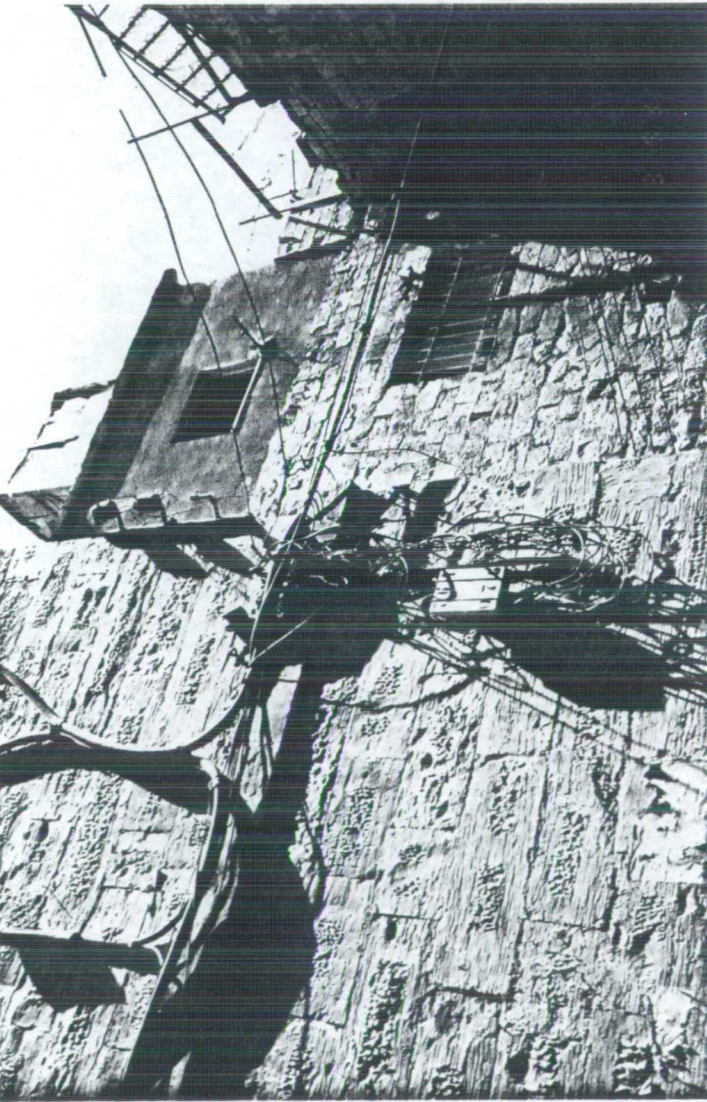
⁵⁴ In spite of some progress in the implementation of the Peace Accord, the Civilian Administration maintained all its powers related to planning and building activities, within and outside municipal boundaries, until the completion of this study.

1. illegally, according to international laws, when it dismissed the democratically elected Palestinian councils and appointed Israeli mayors and councils to replace them. It also made no effort to ensure that Israeli councils acted in the interest of the local Palestinian population, (The Fourth Geneva Convention, 1949, Part III, Section 1, Article 31 and Section 2, Article 47).

2. negligently after the resignation of the councils in 1988 by leaving Palestinian towns without the services of a legal local authority, (ibid). This deprived the local population of the simplest forms of assistance and protection and the provision of basic services (Shehadeh, 1993).

The interruption in the availability of indigenous municipal councils and the disruption of their work and restrictions imposed on their activities, and human, technical and financial resources, had far reaching consequence on the ability of these councils to provide minimum services to their towns and constituencies.

In Nablus, all past and present municipality officials and engineers, who were interviewed, expressed their frustration at their helplessness to halt the deterioration in services and infrastructure and the environmental degradation in the city particularly after 1988. The majority of respondents to the questionnaire considered the absence of municipal council as a major obstacle to the development of their city and the improvement of their property/business.

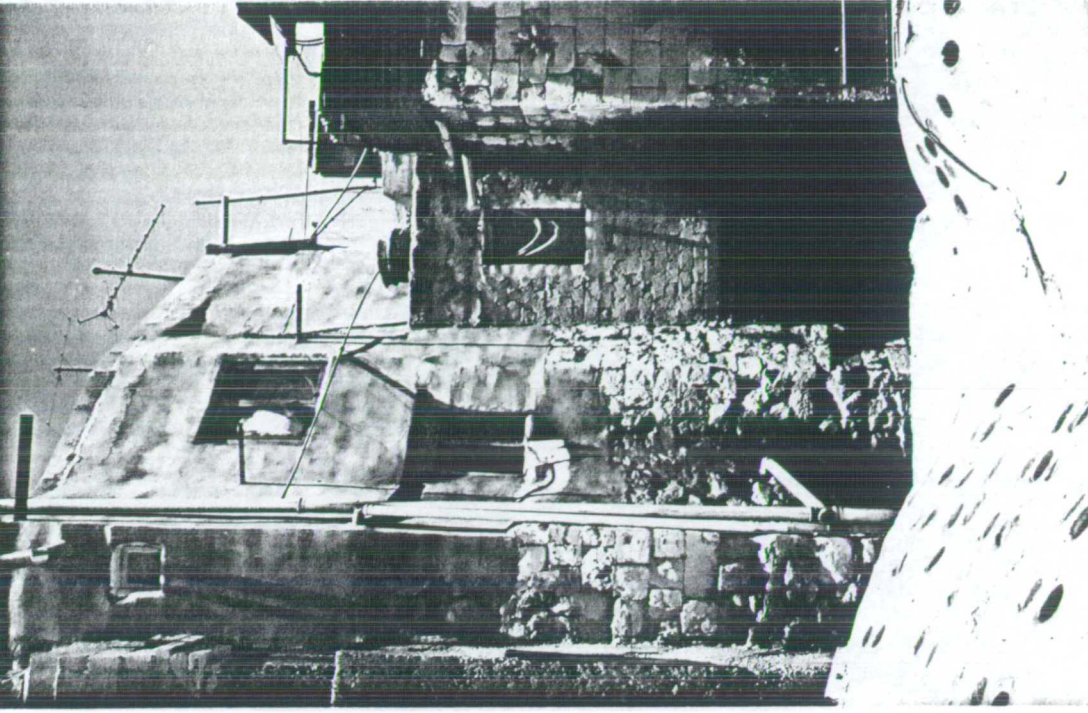


1.

Violations

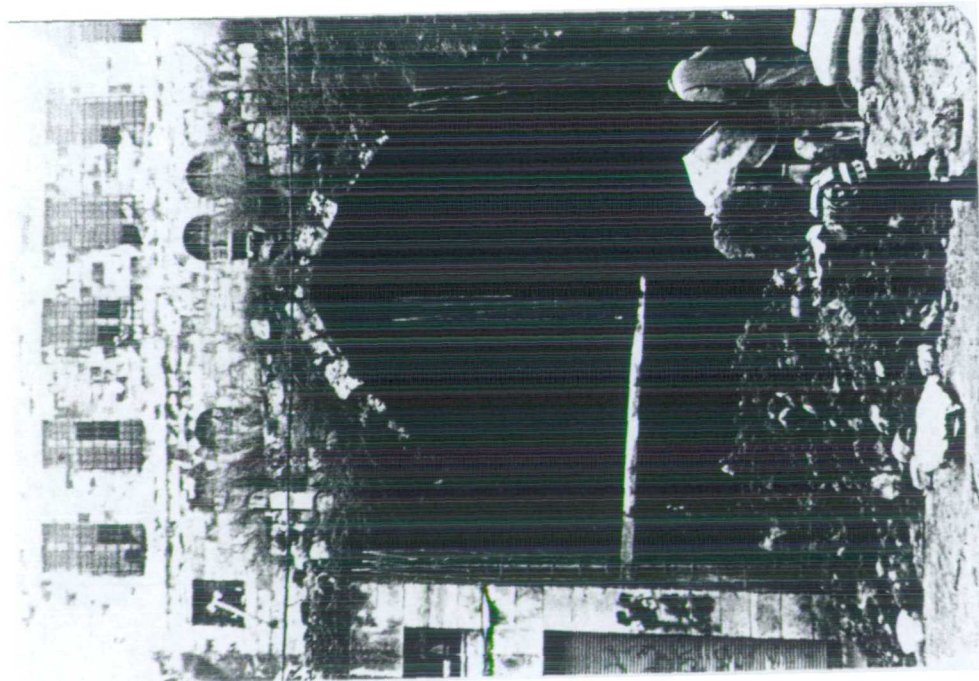
(Zone "A")

1. Illegal extension and electrical connections. Exposed and tangled wiring create safety risk.
2. Illegal additional floors built on top of an historic building causing instability to existing structures.

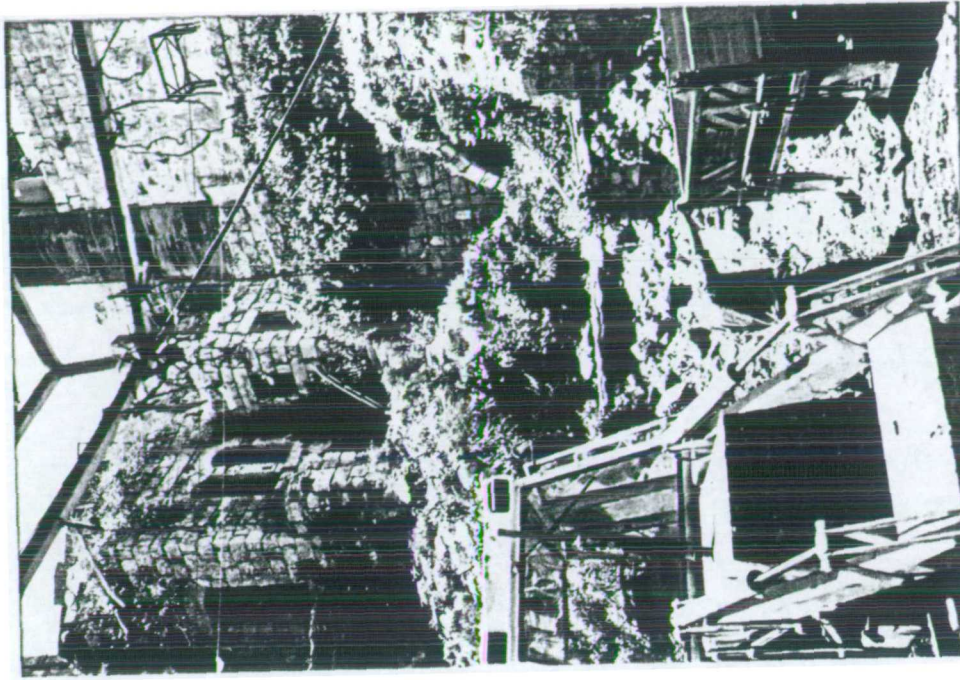


2.

Plate (27)



1.

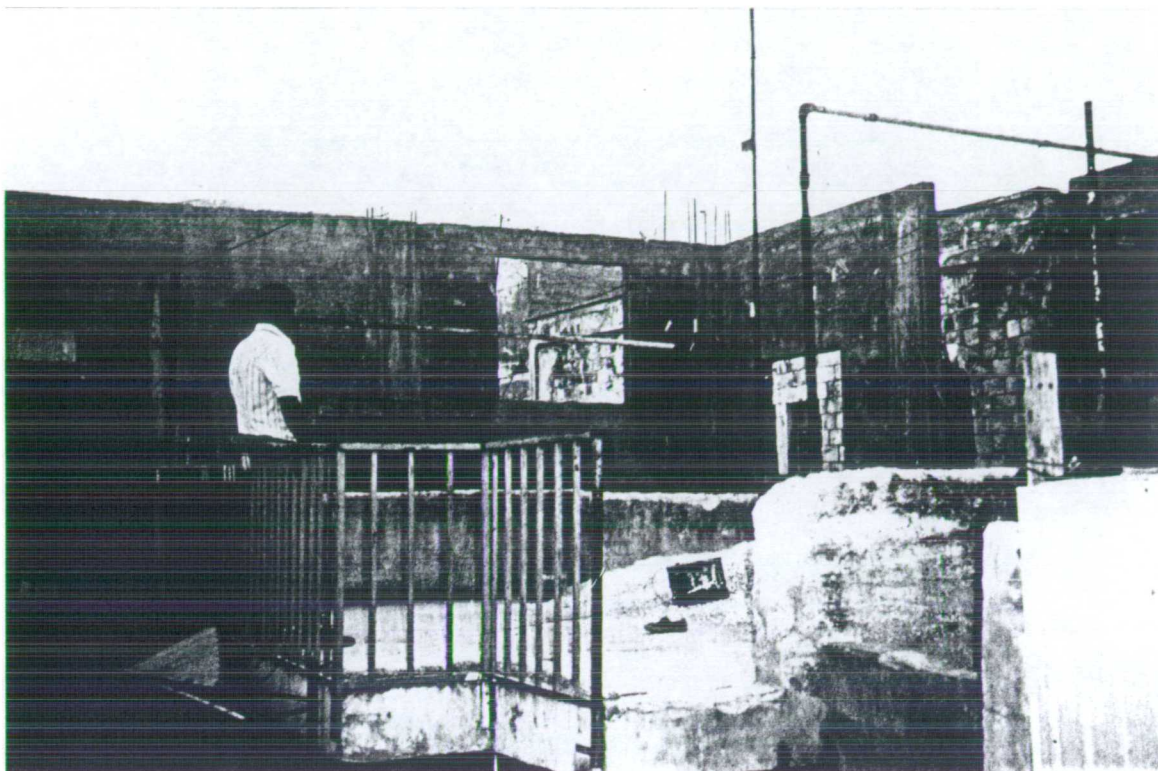


2.

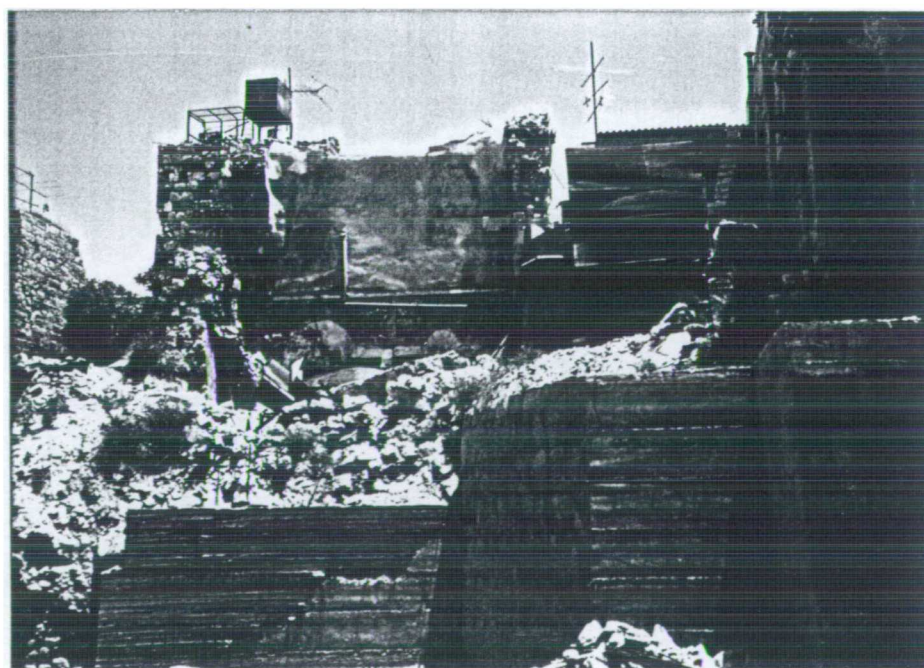
- Violations**
- Zone "A"
- 1. Illegal construction work in Al Khader Street.
 - 2. Illegal new construction in Al Nassr Street.

Violations

Zone "A"



1. Roof top of an historic building: Owner demolished original domed roof to build additional floors.

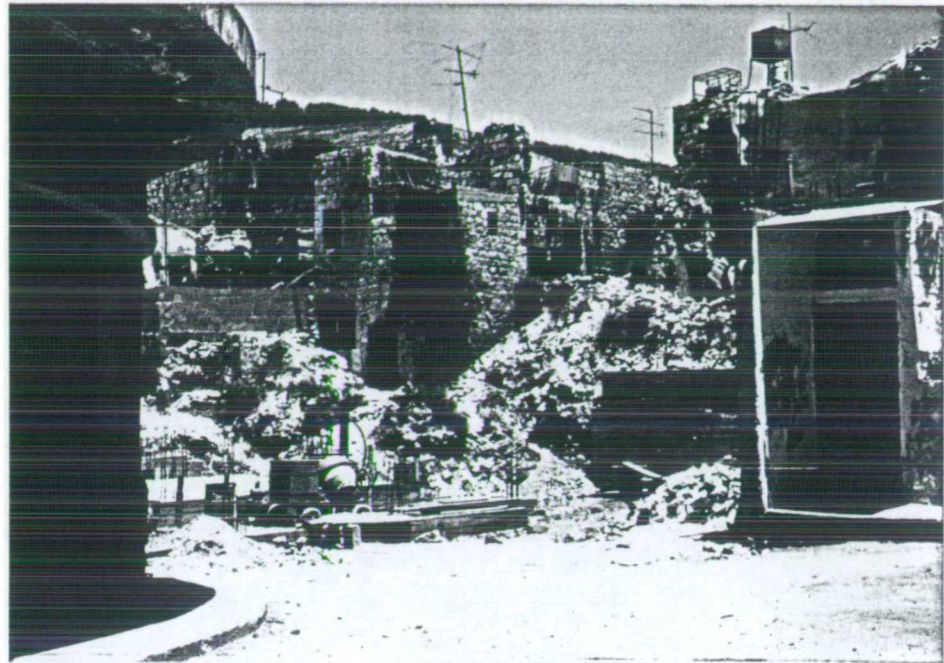


2. New construction carried out without building permit.

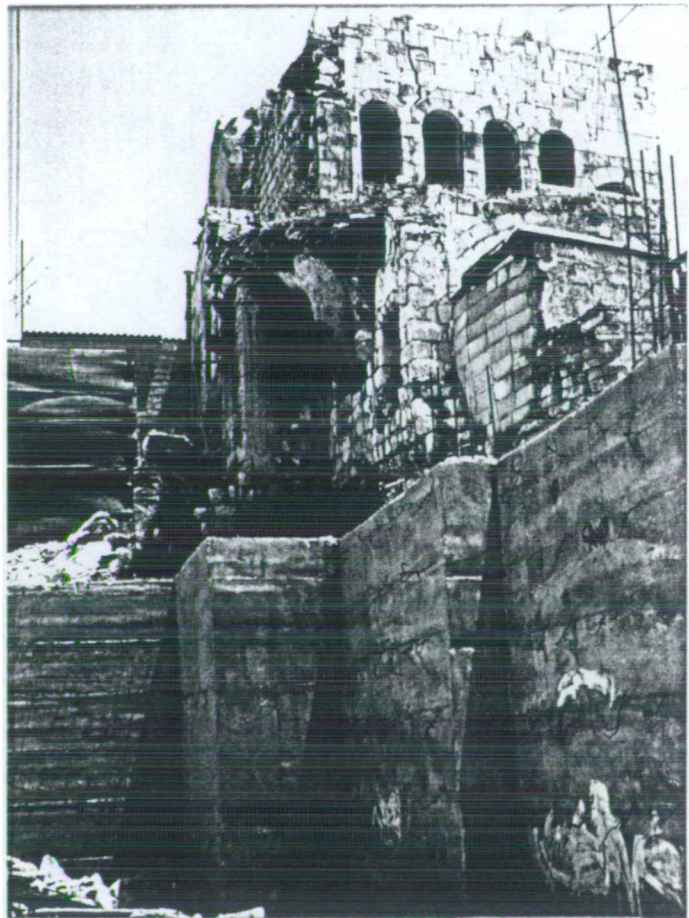
Plate (30)

Violations

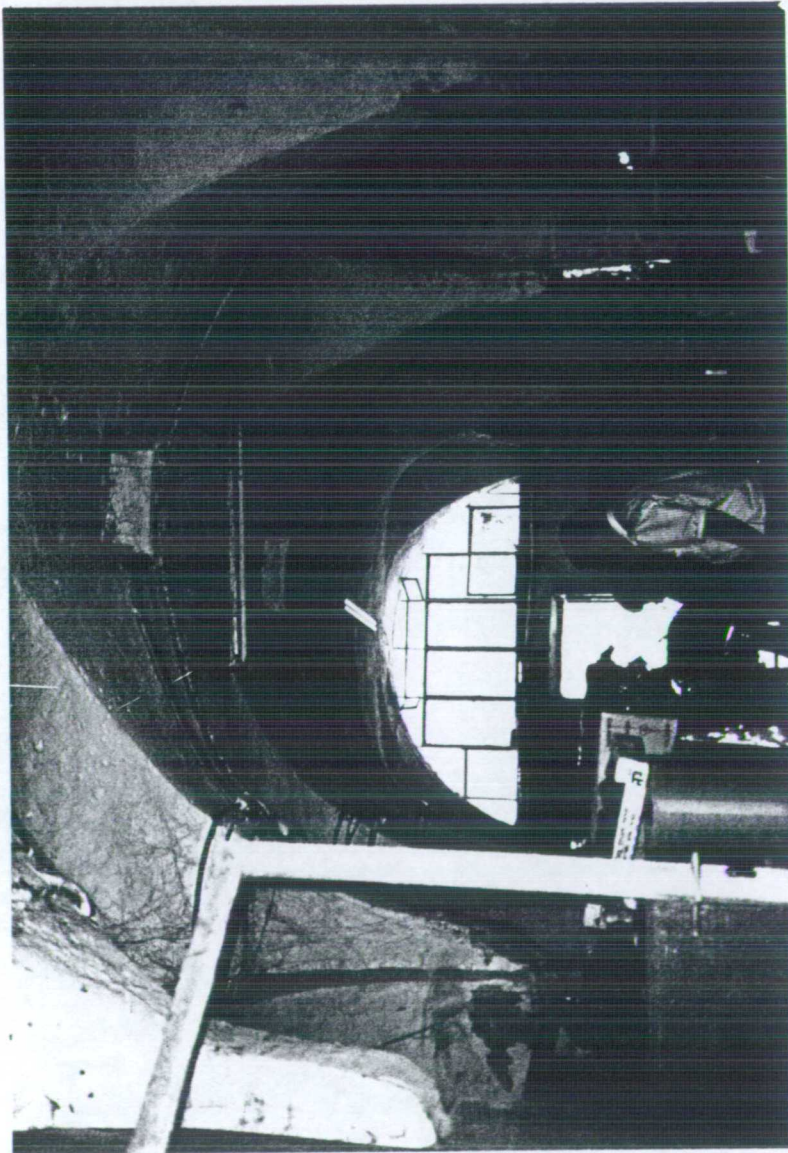
Zone "A"



1. New construction carried out without building permit and without technical supervision. Municipal staff had no executive power to stop such practices.



2. New construction adjacent to existing buildings. Old structures showing evidence of cracks and structural instability.

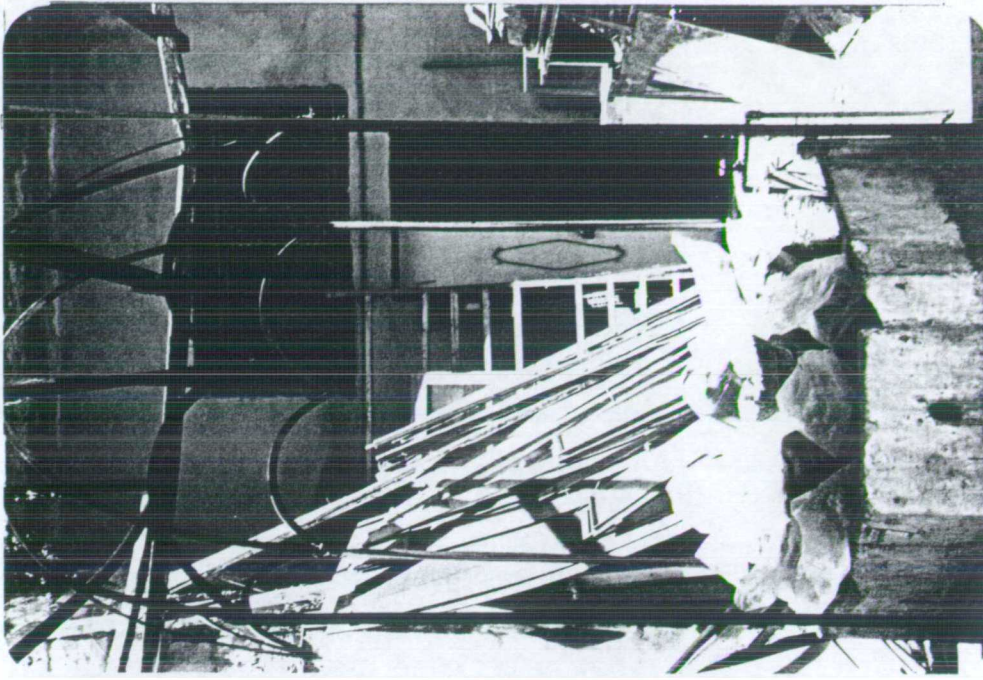


1.

Violations

Illegal conversion of building use in the historic core:

1. Soap factory converted to a sweet factory without following any safety or health codes.
2. Hotel converted to a shoe factory. Illegal electrical connections. No safety or health measures were made to accommodate the new electrical equipment and machines.



2.

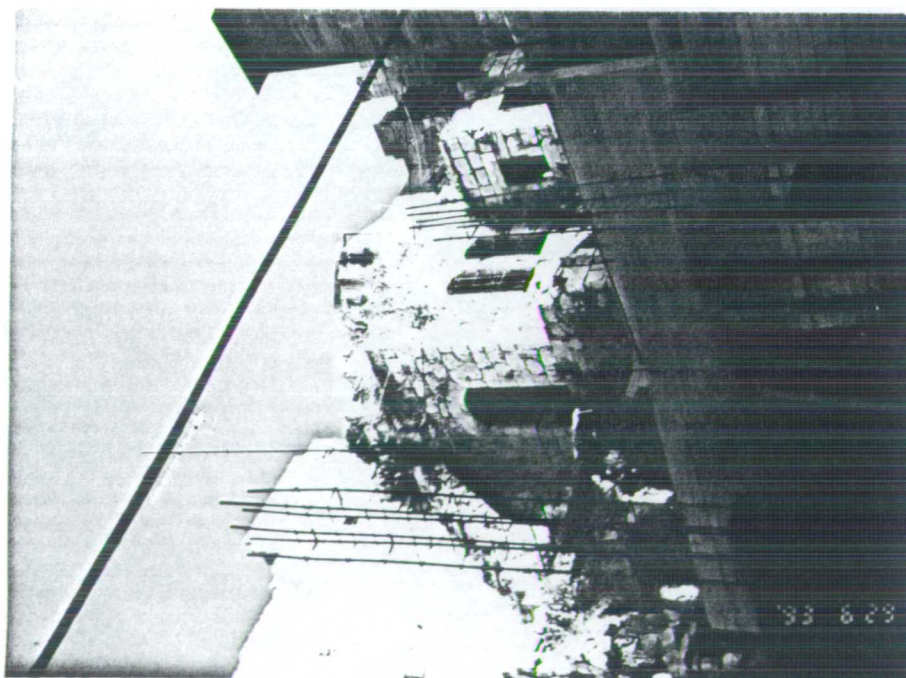
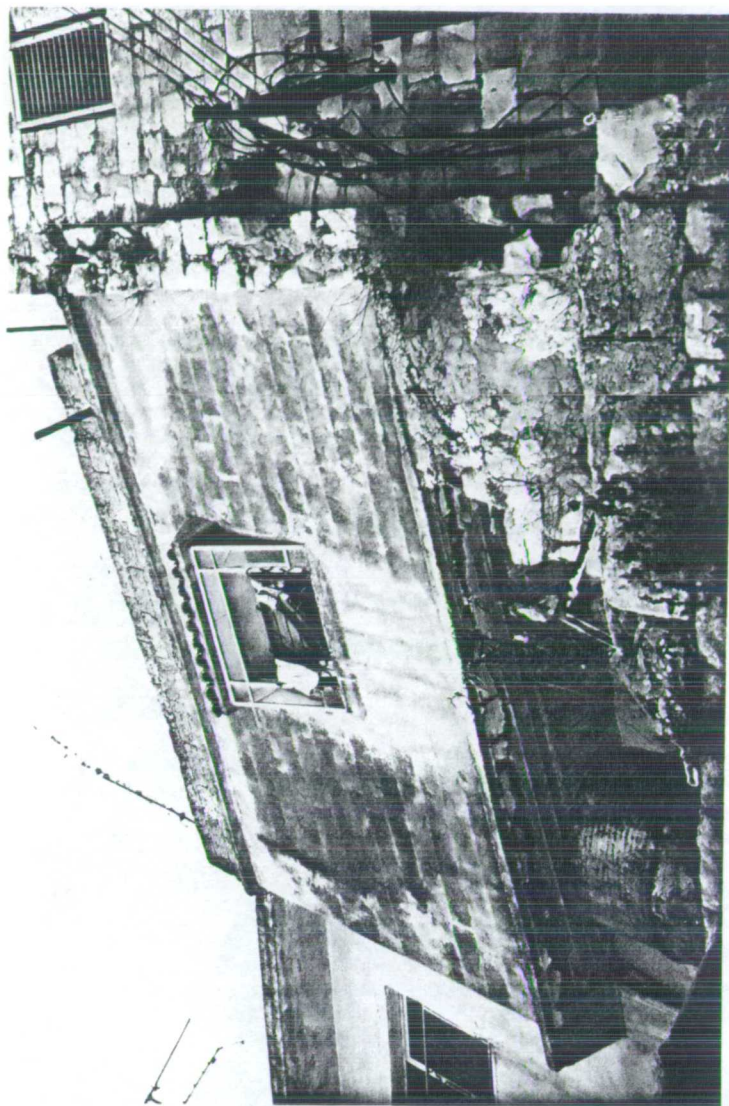


Plate (32)



Violations

Zone "A"

1.

1. Structurally unsafe new addition to existing historic building. Cantilever under slab show exposed rusty reinforcement. Original building too weak to carry additional load.

2.

2. Modern infill in Suq Al Basal. New concrete building between historic buildings with no building permit or adherence to conservation guidelines.

SECTION 2: Professional and Academic Institutions and role of Community organisations:

The difficulties and restrictions imposed by the Israeli authorities, did not only affect the Palestinian councils and local authorities. The work of Palestinian chambers of commerce, professional, and academic institutions, was frequently disrupted. Their powers were undermined and their ability to play an active role in the development process was rendered negligible.

Israeli policies and practices towards public institutions representing any group of Palestinians were hostile and obstructive. Such groups were viewed with suspicion and their activities were considered to serve political objectives incompatible with the objectives and security needs of the Israeli authorities, (Hashem, Nabulsi, 1993). Legal changes introduced by Military Orders were superimposed on original laws to weaken them and restrict their functions and ensure their subordination.

2.1 Chambers of Commerce:

The role of Chambers of Commerce was weakened after 1967 and most of the time was confined to providing clerical services such as registering companies and collecting membership fees.

This deprived the Palestinian trade sector of technical and professional services which could assist in promoting trade, establishing new trade links and reviving or extending old markets. It also denied the Palestinian exporters the necessary mechanism to help in arranging financing, transport and other services (UNCTAD, 1987)

The UNCTAD report found the Palestinian chambers of commerce and their structures to be badly in need of training in modern management techniques, human and financial resources at all levels.

No chambers of commerce elections were allowed in the OPT between 1972 and 1992. Military orders were issued to

extend their terms. The Chambers, however, were never allowed to participate in the formulation of policies nor were they consulted in any matter concerning Palestinian trade and business operations. During most of the years of the occupation, the chambers were unable to alleviate the injustice inflicted on Palestinian businesses as they had no power over, or access to, the decision making machinery in the Military government and the Civilian Administration.

One previous chairman of the Chamber of Commerce in Nablus who was a member during 1967-1988, stated that the chambers' role was confined to try to fight battles on behalf of the Palestinians rather than be involved in the decision making process to improve trade links and direct and guide businesses;

"We tried to help with the problem of high custom duties imposed by the Israeli authorities, high direct and indirect taxes, the consequences of imposing VAT on businesses, the intentional delays businessmen encountered to obtain a development permit or license. Some people, who were lucky to be able to import goods, had to wait for long periods to clear the goods from Haifa port. By the time the goods are released they are already damaged. Moreover they have to pay the storage for the time the goods were not allowed to leave the port.

In summary, the authorities objective was to discourage Palestinians from importing without having an Israeli partner or using an Israeli agent. In the end we were spending the time negotiating licenses with the Civilian Administration and trying to release goods from ports, and mediating on behalf of people who had their businesses closed for tax or security reasons. These were mainly battles we could not win. Instead of doing our job to help companies and exercise some kind of control over their activities to protect them, the consumer and the town, we ended up trying to protect them against the authorities." (H. Touqan, 1993).

Following progress in the Peace Process, new elections for the chamber of commerce in the OPT were held in 1992. This coincided with the Israeli authorities relaxation of some of the rules that restricted investment and trade activities. However, until the end of the field survey conditions were still far from satisfactory as the deputy

and Secretary of the new Chamber pointed out;

"The Occupation authorities took over the role of the legislative and executive authority in all matters related to economic development and investment. The Chamber is marginalised and has no authority. Chambers of Commerce all over the world have a very important role to play in the economy. All legislation that deals with any economic or social development in the country should be decided by the government, chamber of commerce, and trade unions. In Jordan, the Chamber of Commerce has a very significant role.

Even now with the "relaxation" of conditions on investment, the decision is not ours and the military order that was issued concerning this is ambiguous. We sent it to the Israeli authorities for clarifications. As far as we are concerned we still cannot do any thing without their permission and that is never guaranteed. We suffer from many things as a result of the Israeli policies. If for instance we want to import something we have to do it via an Israeli agent or representative, as they would tell you that they already have a representative in Israel. You are either forced to deal with an Israeli agent or you have to abandon the project altogether." (Hashem and Hijjawi, 1993).

The weakening of chambers had a direct effect on prospects of economic development in the OPT and consequently on urban development. The absence of a strong institution to facilitate trade and encourage investment and restrictions imposed on import and export activities had contributed to the inability of residents to initiate new projects, expand and improve existing businesses.

2.2 Professional Institutions:

Professional associations and Trade Unions were established in the West Bank in the fifties and early sixties and participated in almost every development activity. After 1967, professional associations in Jordan became stronger and developed more sophisticated and advanced procedures and operations to protect various professions, members' codes of practice as well as their rights. In addition to varied legislative and executive powers, professional associations in Jordan have had an active and free political role, since the 1980s, often in opposition to some government policies.

After the occupation, the professional associations in the OPT remained linked to the main associations in Jordan. All through the occupation, the Palestinian associations received political, technical and financial assistance from their "mother" associations. Qualifications were checked and verified by the main association in Amman, membership was accepted according to Jordanian standards and membership fees were paid by Jordanian associations on behalf of the Palestinian members.

The Palestinian professional associations could not however, benefit from the technical and managerial advances achieved in Jordan. New legislation and policies issued by the various associations and institutes, to improve standards of practice and regulate the professions, were not transferred to the OPT.

Theoretically there was no direct obstacle to stop Palestinian affiliates to Jordanian associations from extending the new legislation. However, absence of a national government and lack of legislative and executive powers meant that Palestinian associations had no mechanism to implement either the original or revised legislation.

Jordan Engineers Association Law No 15, 1972, with its revisions, sets the required qualifications for engineers, including architects, codes of professional practice, various recognized engineering fields, classification of consultant offices and professional fees. Article 61 and 62 of the Code of Professional Practice prohibits engineers/architects holding public office or employed by public institutions to take on private work unless allowed under the rules of their institutions. Employees of government offices or institutions are not allowed to use their positions to obtain work for themselves or others.

The law allows for classification of consultant offices based on the number and specialty of their technical staff which also determines the amount of work they could undertake.

Any permit application for a building with more than two floors and above a certain area should be signed by a registered architect and a structural engineer. Larger projects need the involvement of chartered service engineers for electricity, water and sewerage design.

Before applying for a building permit, local councils and municipalities require that detailed technical drawings for the project should be examined and approved by the Technical Committee in the Engineers Association's Building Department before these are submitted to the relevant local councils. The Technical Committee requires that the drawings should be in accordance with Jordanian Building Code and its Standard Specifications which are based on international standards.

However, in the OPT none of the above was implemented. After the occupation, the quality of construction and professional and technical standards had steadily deteriorated, as the Engineers Association was unable to enforce the law (R. Abdul Hadi, H. Arafat, Batrawi, Khayat & M. Nabulsi, 1993).

According to the President of the Engineers Association in the West Bank;

"Architects and Engineers now are designing and executing projects and signing permit applications without any supervision or accountability. The majority ignore the building codes and regulations, and also the Professional Code of Practice, although they are members of the Association. Offices are practising without reference to classification, and to any authority, to check whether they are qualified to handle the work and whether their work is in accordance with the law." (Nabulsi, 1993).

Many of the engineers working for municipalities had private practices which attracted clients as they felt it may be easier to obtain permits (within the councils jurisdiction). A number of engineers in private practice prepared their designs without reference to other specialists or accepted to sign permit drawings, even if they were prepared by a non-professional for a certain fee.

The absence of a "technical watchdog" contributed to large scale malpractice and consequently to deterioration in the quality of buildings after 1967.

The council's requirements to grant a building permit were very simple compared to Jordan, and followed pre- 1967 requirements. The permit was given on preliminary design proposals without any calculations or detailed drawings. Under the circumstances, the council's engineer showed flexibility to enable the residents to build.

Up till 1994, there was no classification for contractors in the OPT. The council required no pre-qualifications from contractors before they submitted their tenders. Tenders were usually awarded to the lowest bidders regardless of whether he had the professional, technical and financial abilities to undertake the project. Despite the fact that a limited number of public projects had been constructed in the previous few years, there was no adequate mechanism to ensure that they were built to reasonable standards (Abdul Hadi, Arafat, Nabulsi, 1993).

The Israeli authorities and the Civilian Administration showed no interest in the condition of the built environment in the OPT nor in the right of the local population to safe and healthy buildings, (ibid).

Some argued that this was "self-inflicted" damage by Palestinian professionals, and that an occupation authority should not be expected to protect the Palestinians from each other (Khayat, 1993). International Law (Geneva Convention and the Hague Declaration) requires the occupying power to protect people and property whilst under its control (Shehadeh, 1993). While others argued that the Israeli authorities and the IDF were quick to respond ruthlessly to any potential security risk and implemented laws, concerning security provisions, instantly and severely. Israel in this instance was negligent of its duty of care to protect civilians from hazardous conditions (ibid).

Without the protection of a central government, local institutions and councils were unable to ensure that appropriate legislation, building regulations, safety and health codes, proper classification of professional institutions were implemented. The indirect impact of this situation contributed to the inadequate quality of construction, service and amenities provision which worsened the situation.

2.3 Academic Institutions:

During the occupation, educational institutions were subject to short and long closures individually and collectively (B'Tselem, 1991, & WUS, 1993), forced entry and take over by the army, and in some cases physical destruction of their properties, (B'Tselem, 1990-1991).

Palestinian universities were often regarded as "trouble spots" by the Israeli authorities. They received neither support nor assistance all through the occupation and relied on contributions from abroad particularly Arab countries (WUS, 1993, p.32).

Following the Intifada, schools and universities were forced collectively to close for long periods. All universities in the OPT were closed by military injunctions from February 1988 to May 1990, (ibid). However, it was not until 1991 that the gradual opening of universities was allowed. Al Najah National University in Nablus reopened in October 1991, (loss of 4 academic years). After reopening, universities were subject to various short closures in addition to closures during curfews.

According to WUS, M.O. 854 issued in 1980, which set conditions for colleges to operate, constituted the most far reaching attempt to bring universities under direct Israeli control. Although it was not fully implemented, many individual lecturers were exiled as consequence (Ibid).

During the closure, staff at universities tried to give their classes unofficially and "illegally" in "secret" locations outside the campus and university buildings. The procedure, although well intentioned, could not have provided the best conditions for education.

Political and security conditions were exasperated by lack of financial and human resources to cover basic needs for academic qualifications. Research facilities at universities were very limited and consequently the role of universities in the development process was minimal. Although the situation started to improve after 1992, there was still severe shortage in technical and managerial as well as financial resources.

There was a general lack of cooperation and coordination between universities and municipalities which resulted in wasted efforts and duplication of work. Although universities could offer some limited training facilities for municipal staff and would have benefited from joint projects, the municipal staff (ie. in Nablus) were reluctant to work with them (Abu Eisheh, 1993).

Until the last few years, before this study was carried out, there was a severe shortage of research centres and scientific institutions. Political and financial obstacles hampered the efforts of many qualified engineers and researchers to carry out badly needed research and studies. A relatively large number of research centres and institutions had since been established. However, their efforts were fragmented and much of their work duplicated.

The military and political conditions, frequent closures, curfews, and financial hardship, limited the ability of educational institutions, sometimes, to provide even basic education facilities to the population. Moreover, they were also unable to fulfil their role in the development of Palestinian urban and rural areas in the fields of research and training to enable them to identify problems and define development needs and priorities. Restrictions imposed on

travel and movement also restricted their ability to exchange and learn from other educational institutions abroad and benefit from their experience.

2.4 The Role of Community Organisations:

Without an adequate public administration to encourage and initiate development activities in the OPT, the role of Palestinian local institutions and voluntary organisations was significant. Palestinian community organisations took the initiative, inside and outside the OPT, during the occupation to carry out and support development projects including various social and economic activities. Their role, albeit limited, was vital to the provision of basic social and physical services particularly during the last few years of occupation.

"Amid increased pressure exerted by external factors and turbulence, Palestinian initiatives continued to leave their mark on development during that period" (UNCTAD, 1993, TD/B/ 40(1)/8 para. 13)

Palestinian PVO's efforts were often hampered by Israeli restrictions and interference in their activities which were sometimes arbitrarily banned as an UNCTAD report recorded;

"Banning activities of a network of Palestinian charitable institutions and popular committees providing local services including efforts to establish marketing associations and expand household economy." (UNCTAD/ TD/B/1221, 1989:para.5).

Although Palestinian PVOs took the initiative and demonstrated a capacity to direct and manage resources under difficult conditions, particularly after 1987, both inside and outside the OPT, there was need for training and strengthening their institutional infrastructures.

The two main institutions which had been involved in the development process in the OPT were private voluntary organisations (PVOs) and the private enterprise sector. The emergence of the PVOs was in response to the shortage and inadequacy of many vital services in the OPT particularly after the Intifada. After 1987, these

organisations were increased and expanded and had a wider public participatory involvement covering a wider range of activities. Nevertheless, due to political, legal and economic pressures, PVOs efforts remained fragmented and inefficient. Although international donors continued to find working with PVOs, as the best available channel for direct assistance, they found that their structures were weak and insufficient to cover all fields of intervention as they were uncoordinated, understaffed and lacked resources (UNCTAD, TD/B/40(1)/8, 1993, para 18).

The private enterprise sector performed a vital role in promoting and encouraging development projects in the OPT, albeit on a small scale. However, the long years of occupation and exclusion of the OPT from the latest developments in modern management and high technological advances, restricted their ability to create and promote modern corporate practices and organisations. This situation was aggravated by the uncertain and turbulent political and economic conditions in the OPT which did not help in creating the right climate for investment and business activities.

The Jordanian government continued to provide financial assistance to the public sector, in the form of salaries for civil servants, rent paid on government premises, subsidies to municipalities, guarantees on bank loans to local Palestinian institutions, direct grants, provision of education, health and other services. Additionally, it continued all through the occupation to support official and semi-official charitable institutions. Other Arab sources of finance including Arab fund for Economic and Social Development also channelled funds, when possible, to various Palestinian institutions. However many of the Arab and Islamic donors stopped, or substantially reduced, their contribution after the Gulf War.

The Jordanian-Palestinian Joint Committee, created in 1979, served as an institutional arrangement to channel and manage Arab aid for the steadfastness of Palestinians in

the OPT in various socio- economic sectors. Aid began to decline due to a decline of donors funding and constraints imposed by the Israeli authorities on entry of funds into the territories, staffing and managerial inadequacies, project formulations, implementation and capacity for financial and technical field supervision.

The work of international NGOs and international organizations was also subject to Israeli authority approval. These were frustrated on many occasions, when the Israeli government interfered in the nature, size, location and timing of projects they planned to carry out in the occupied territories, (UNCTAD/DSD/SEU/2, 1993).

International and United Nations agencies recent reports noted the problems of the institution building process in the OPT which affected the efficiency and productivity of their operations which were summarised as:

"a combination of factors have diminished the impact of these initiatives such as: the absence of a Palestinian authority in the territory capable of establishing priorities and guiding development decisions, inadequate and inappropriate local expertise in the area of institution building, an unwarranted degree of politicization of otherwise professional institutional and or business initiatives; failure to embark upon initiative in a coordinated or comprehensive manner and selective intervention by the Israeli authorities (UNCTAD, 1993, TD/B/40(1)/8, para 15).

As was the case with local councils and institutions in the OPT, Palestinian PVOs suffered from restrictions on human and financial resources and from the intervention by the Israeli authorities in their activities and funds. Whereas these organisations were created in response to the shortages of social and technical services in the OPT, their ability to help in fields related to urban development such as housing, training, women empowerment, environmental improvement and conservation initiatives were obstructed by various Israeli measures.

SECTION 3:

Building regulations, codes for construction, quality control, environmental protection and conservation policies

3.1 Building and Safety Codes, Regulations and Quality

Controls:

Laws and regulations, concerning construction and building activities in neighbouring countries such as Jordan (Hanbali, 1992, Nabulsi. H. & Nabulsi M., 1993) and Israel (Jerayseh, 1993), are continuously revised and updated to cater for the changing needs of modern societies. These revisions and improvements were not carried out in the OPT, (Shkoukani, 1993), nor were there any moves, by the Israeli Administration, aiming at improving the remaining laws to follow the superior laws of Israel, except in matters of security. Building codes based on international standards used in both Israel and Jordan were not implemented in the OPT. Nor were standard specifications, quality controls in buildings or contract conditions (R. Abdul Hadi, M. Nabulsi, 1993). The absence of an effective local government and appropriate building regulations meant that there was no authority to control development and ensure the use of safe building materials and techniques. There were also no clear building laws, health and safety or fire codes that were observed or followed by professionals in the building industry.

New private and public buildings were constructed without taking fire, health, and safety codes into consideration. Regulations, for ventilation, safe access, fire and emergency exits, where these existed, were often ignored. Additionally, deleterious building materials, long banned in other countries such as asbestos were still used in construction. Building sites, where new public or private construction was carried out, were left with no protection and very often used as rubbish collection pits in the middle of towns and residential areas, (App A, Table 28 & 29, Chapter IV, Sect 1, Item 1.3.3).

A recent UNCHS report on housing conditions in the OPT noted that;

"The lack of adequate and appropriate building codes, regulations and standards represent another constraint on large scale housing activities. Existing codes and regulations have virtually not been updated for the last three decades and will require intensive review and modifications to improve there efficiency and compatibility with the new requirements" (UNCHS,HS/C/14/2/ Add.1, 1992).

To ensure the protection of the occupied residents and their property, as required by international law, Israel ought to have made an attempt to implement minimum safety standards and regulations in buildings and services in the OPT similar to those it was implementing in other parts of the territories, namely Jewish settlements.

3.2 Environmental Protection and Conservation Policies:

3.2.1. Environmental Protection: The Israeli military establishment and its Civilian Administration had neither facilities with environmental responsibilities, nor any environmental protection policies for the occupied territories, (UNCTAD, 1993). As Israel was in control of the OPT, it had the main responsibility for the protection of the environment and natural resources of the territories as required by international law (Fourth Geneva Convention 1949 & Principle 23 of Rio Declaration, 1992).

The Ministry of Environment in Israel is the principal organ responsible for environmental matters. Although, in theory, the same standards applied in Israel should apply in the occupied territories, in reality, the standards observed there showed a big difference to those in Israel and settlements. (UNEP 1992) After 1967, the Israeli authorities showed little interest in the protection or improvement of the environmental conditions in the occupied territories. There was a shortage of reliable and scientific data with regard to environmental problems in the Palestinian territories, due to lack of research in this field. Lack of environmental controls and legislations were aggravated by the Israeli army's and Jewish settlers actions in the territories, which contributed to environmental degradation in the OPT, (Chap V, Sect 2).

3.2.2 Conservation Issues: While Palestinian historic centres, such as Hebron, Jerusalem and Nablus, suffered from lack of funding and the impact of military clashes and arbitrary demolition of valuable historic buildings by the Israeli army, the urban fabric in these centres remained reasonably intact. However, this situation started to change rapidly after progress in the peace process, and with the relative relaxation on some of the Israeli restrictions on investment.

The situation was exasperated by the absence of a conservation programme and regulations, and the lack of legislative and executive authorities, the shortage of land and the increase in property prices. Consequently, some business and property owners in the old cities were encouraged to convert their buildings to uses unsuitable for the type and age of their building or to the health and comfort of its residents. Historic buildings were replaced by badly constructed modern commercial buildings unfit for the existing environment.

Conservation policies and restoration of historic buildings and monuments have become part of many countries urban development programmes. Projects have been carried out to restore historic centres in many countries in the Middle East. In Jordan the city of Salt had been declared a heritage city. The government with the Salt Development Corporation embarked on a comprehensive scheme for the conservation of the city and its historic buildings (Master Plan for the Conservation of Salt, 1989). In Israel projects such as the renewal of the historic city of Jaffa and the restoration of the old quarters in West Jerusalem have been carried out with Israeli government support.

On the other hand, efforts by local residents in Nablus to form a committee in 1988, to look at ways of protecting the historic core, were obstructed and the committee was banned by the Israeli authorities (source names withheld). The move was in response to the increase in the number of houses demolished by the IDF during the Intifada (Al Haq

records 1987-1992), and therefore the motive was considered to be political. Various attempts by local residents to involve the Cultural Heritage Section of UNESCO to protect the historic core of Nablus as part of the World Heritage failed. Although UNESCO officials appreciated the city's value and the danger of the Israeli actions, they could not act, according to their rules, unless an application came from a recognized government acting on behalf of the city (Bushnaqi 1991, Touqan, 1992).

Neither the Israeli Military government in the OPT nor its Civilian Administration made any attempt to extend their conservation policies to Palestinian historic centres. More importantly, they allowed their army and settlers to carry out operations which resulted in the demolition of valuable historic buildings and monuments and subsequent structural damage to others as was witnessed in Hebron, Jerusalem and Nablus. Furthermore it obstructed any attempt by local residents to protect their heritage on political and security grounds.

In conclusion, buildings and services in the historic core in Nablus suffered from long years of neglect, lack of maintenance, misguided restoration, illegal extensions and violations. The situation was exasperated by the IDF actions such as demolition and sealing of property and financial restrictions imposed by the Israeli Administration. The absence of central, local and community initiatives to improve the situation and halt the deterioration resulted in the loss of valuable buildings and the deterioration in the urban fabric of the old city.

Conclusion:

The deterioration in the physical condition of buildings and neighbourhoods, in Nablus and other urban centres, did not only result from the policies and practices of the occupation authorities and the subsequent obstacles they created to urban development. The Israeli authorities who controlled the territories for over 27 years took the liberty to act as the central government and changed

legislation and legislative structures, which only suited their own political and security needs. Moreover, they failed to issue and implement policies to protect civilians under their control, their property and environment as required by international law. They also either contributed to the deterioration or restricted, directly or indirectly, the peoples' ability to protect their environment and heritage or to receive outside help.

CHAPTER VIII

**The Implication of the Israeli military practices and
security measures on the built environment and the
Palestinians ability to develop their towns and improve
their living conditions**

Introduction:

Israeli authorities policies and practices in the OPT have had an adverse effect on the public and private sectors with regard to urban development and construction.

Various reports and studies conducted on development issues dealt with various aspects affecting the urban environment such as the financial sector (Chapter VI, Section II above), legal constraints, availability and condition of public utilities, roads and infrastructure and adequacy of social services, (Chapter II & V above). As most of these studies encountered difficulties in obtaining reliable and accurate data, they based their findings on rough estimates, observations, and views and accounts of various professionals and academics and private voluntary organisations working in the field of development.

However, two main issues remained unexplored in this field namely; 1. the physical condition of buildings, amenities and public spaces and to what extent they have been affected by the military conflict and the obstacles created by the Israeli Administration policies to development activities, and; 2. the local Palestinians perception of the quality of their built environment and the extent to which the Israeli policies have contributed to its decline.

Previous chapters examined the Israeli military orders which changed the laws and administrative structures in the West Bank and demonstrated how these orders created a network of legislative tools to enable the Israeli authorities to exercise full control over the OPT. These tools facilitated control of land and natural resources, planning, regulatory policies and administrative structures, fiscal policies and the financial sector, and every facet of urban and economic development in the Palestinian territories.

This chapter explores how these policies, together with various Israeli practices during the occupation, affected the ordinary Palestinian "man in the street" level and his

ability to act. Thus it will examine:

- Israeli punitive measures taken against the local Palestinians under the pretext of "security provision".
- Palestinians views on these policies and measures and their implication for the built environment and the ability to improve it.

SECTION 1: Security Provisions and Israeli Practices

Background:

The declaration of the assumption of authority by the Israeli Military Force, over the Palestinian territories on the first day of occupation (Military Proclamation 1, 7 June 1967) signalled the beginning of one of the longest military occupations of modern times. Various other declarations and orders followed which dealt with various aspects of civilian life as well as security issues.

The Israeli authorities defence of their punitive measures against the civilians was that they were in accordance with the British Mandate Defence (Emergency) Regulation of 1945. This regulation empowered the Military Area Commander of any area to use any method of punishment based upon Regulation 119 of the above. This included deportation, administrative detention, house demolitions and part or complete sealing of houses. However, since the Mandatory Defence Regulations were abolished under Jordanian rule and were superseded by Jordanian law (Shehadeh, 1988, xiv), Israeli claims to the legality of their actions were invalid particularly in relation to international law, (Fourth Geneva Convention, 1949, Sec.I, Art. 27, 29, 31, 32 & 33, Sec.III, Art. 47).

Nevertheless, it was military order 378 (20.4.1970) which provided the comprehensive legislative document concerning security provisions in the OPT (JMCC, 1993, Appendix II). The order provided the legal basis for setting up military courts and subsequent "legal" procedures, sentencing and punitive measures (Section Two). It defined what the military authority regarded as "Offenses" (Section Three).

Section 4 empowered soldiers to arrest, search, seize any person and forfeit any article or goods if they had reason to believe these were connected with a security offence. It authorised any soldier to;

"enter any place, vehicle, ship or aircraft, he has reason to suspect, is being used or has been used for any purpose prejudicial to public safety, the security of Israeli Defence Force or its soldiers, the maintenance of public order...etc." (M.O.378, Article 81)

Moreover, the order extended the soldier/officer jurisdiction to "arrest, seize, forfeit, search, conduct body search, and stop vehicles...etc", to cover any offenses against security provisions, or any other law in effect in the area or in any other territory occupied by the IDF (Article 84). Section 6 of the Order dealt with restrictions, and empowered the Military Commander or any person acting under his authority to:

1. Restrict transport, traffic and movement:

"prohibit, restrict or regulate the use of certain roads or set routes to be followed by vehicles, animals and persons and to prohibit, restrict and regulate the movement of people in general" (Article 88/A).

2. Issue curfew orders (Article 89)

3. Declare closed areas (Article 90)

4. Open and close premises:

"A Military Commander may issue an order under the following circumstances:

If it appears to him to be necessary, in the interests of maintaining essential services, he may require any person who is in possession of business premises, an institute of learning, or any other place which is visited by the public or part of, to open the place and carry out business as usual, or to keep it closed for such a period as is specified in the order (Article 91(A))."

The Order defines "Business premises" to include any workshop, factory, commercial premises, shop, restaurant, buffet bar, pharmacy, bakery, laundry and any business which manufactures or sells goods and provides service for the public" (Article 91(B)).

1.1 House demolition and sealing of property:

House demolition was used as a form of collective punishment from the beginning of the occupation. However, until 1985, it was used under the pretext of "security" reasons. Houses were normally sealed or demolished before the accused had been found guilty in court and in many instances the accused was later charged with relatively light offence (Shehadeh, 1988, p.229). In later years, demolition took place following an accusation that a stone was thrown by a member of a particular family (ibid,p.154).

In its 1968 annual Report, the International Committee of the Red Cross (ICRC) wrote that;

"the international committee delegates in Israel repeatedly petitioned the Israeli civilian and military authorities to ceased these practices which are contrary to the articles 33 & 53 of the IV Geneva Convention and ask for the reconstruction of the damaged houses or for financial compensation to be paid" (ibid)

Article 33 of the Geneva Convention states that;

" No protected person may be punished of an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited".

Article 53 as interpreted by the director of the ICRC, states the following:

"Any destruction of an occupying power of real or personal property belonging individually or collectively to private persons, or to the state, or to other public authorities, or to social cooperative organisations is prohibited except where such destruction is rendered absolutely necessary for military operations".

The above interpretation cited by Shehadeh also includes:

"In the opinion of the ICRC, the expression "Military operations" must be construed to mean movements, manoeuvres and other actions taken by the armed forces in view of fighting. Destruction of property as mentioned in Article 53 cannot be justified under the terms of that article unless such destruction is absolutely necessary for the armed forces to make way for them.

This exception to the prohibition cannot justify destruction as a punishment and a deterrent, since to preclude this type of destruction is an essential aim of the article." (ibid).

1.1.1 Demolition for security reasons:

House demolition and sealing of houses were some of the collective punitive measures used by the Israelis from the beginning of occupation. The practice usually intensified during more troubled periods as it was used as a punishment and a deterrent (Al Haq, 1987, B'Tselem, 1990-1991, p.45).

The process of house demolition was administrative and was carried out without trial and without the suspects ability to defend himself. The demolition or sealing of property was carried out in addition to other punishment decided later by military courts. It could be used on suspected individuals, their families, neighbours and families of individuals who were already killed. In certain cases, rented houses were demolished regardless of the fact that their owners were not connected with the case (B'Tselem, 1990-1991).

Demolition did not only affect the single house where the suspect or his family lived, but on many occasions resulted in the destruction of a number of nearby houses. In 1987, the demolition of a suspect' house in Al-Nassr Street in the old city of Nablus resulted in the destruction of seven residences in the same compound and rendered their families homeless for many years, (Safadi, 1993 & plates 33-37).

The owner of the house, whose son was accused of a security offence, pleaded with the IDF, who usually carried out the demolition, to spare his neighbours homes, to no avail, (Al-Haq records and Affidavit 1989).

On the same day an historic (500 year old) palace was partially demolished as the accused was suspected of having thrown a stone from its roof, although his own house was hundreds of yards away, (Touqan, Nainish, 1993, Al Haq records).

Human Rights organisations noted a sharp increase in the number of houses demolished after the Intifada, (Table 16) In its report on "Violations of Human Rights in the Occupied Territories" 1990-1991, B'Tselem described the demolition operation thus;

"on the day of the demolition, the area around the house is usually placed under curfew, the family is given a short time to remove its belongings (approximately an hour), and the house is demolished by a bulldozer or by dynamite. More than once, neighbouring houses have been damaged, usually when demolition was carried out by explosives" (ibid, p.34)

Sealing of houses was used as a "milder" form of collective punishment as the family of the accused was banned from entering and using its home as long as the accused was in prison (Survey, Zone "A", 1993). This practice also made many innocent victims homeless for many years (Al Haq Records, B'Tselem, 1991).

1.1.2 Demolition for planning reasons:

Restrictions imposed on land use and the difficulties Palestinians faced in obtaining building permits, in addition to the severe shortage in housing, forced many to build their homes without a permit, (Diagram 3). This practice made them vulnerable to the Israeli authorities' continuous threat to demolish the "illegal" buildings on "legal" grounds. Like demolition for security reasons, this often took place as a form of collective punishment. There was an increase in the number of houses demolished under this pretext after 1985 and the process escalated after the Intifada (Al Haq, records, 1987-1993, B'Tselem, 1991, Coon, 1992, Table 16).

There was an increase in the demolition of houses during the early years of Intifada as shown on Table 16 below as this practice was used as a collective punishment. The decline in later years was due to the slump in building activities during the uprising.

Table (16)

DEMOLITION OF BUILDINGS BY THE ISRAELI AUTHORITIES

	Number Demolished for "Planning" Reasons			Number Demolished for "Security" Reasons	
Year	Israeli Minister of Defence ¹	EA Ford ² (minima)	C.E.P. ³ (minima)	Al-Haq ⁴ (minimum)	J.P. ⁵
1970-1984					1,265
1985				24 (+ 31)	
1986	197			12 (+ 36)	
1987	196			5 (+ 32)	
1988	505	301	255	173 (+ ?)	
1989			280	100 (+128)	
1990			96 ⁶		

¹ Yitzhak Rabin, Israeli Minister of Defence in the Knesset, July 13, 1989. Quoted in *Demolition and Sealing of Houses*: B'Tselem, 1989. Data is for West Bank and Gaza, excluding East Jerusalem. The values for West Bank including East Jerusalem would be slightly more than this.

² *The Demolition of Palestinian Homes and Other Structures by Israeli Authorities*: International Association for the Elimination of all Forms of Racial Discrimination, 1989.

³ Centre for Engineering and Planning Data Base, Ramallah

⁴ Al Haq Data Base, Ramallah. The figures quoted are buildings "totally demolished." Shown in brackets is the additional number of buildings either partly demolished, or totally sealed (ie. doors and windows welded shut), or partly sealed.

⁵ *Jerusalem Post* 23/11//81, quoting "official Israeli figures" of buildings "blown up". Figure excludes East Jerusalem, and excludes villages destroyed following the 1967 war.

⁶ 1/1/90 to 12/7/90

Note: Blanks mean that data is not available.

Building Demolition

Source: Coon, 1992

Most of the buildings demolished for "planning reasons" were outside "recognised" municipal boundaries and the vast majority were houses (Coon, 1992, p. 140 and Table 18). Coon considers that security demolitions were not caused by problems of town planning but were relevant to it for two reasons;

"(a) they contribute to housing problems and the impoverishment of the community, and, (b) the demolition of houses for alleged planning reasons often takes place as a form of collective punishment for Intifada activity".

Coon notes that;

"In fact the military authorities have no problem in coordinating the "security" and "planning" demolition of Palestinian property: the four man sub-committee which confirms demolition for security reasons is identical to that for demolition for planning reasons, and it is understood that decisions on both are taken at the same meeting" (Coon, 1992, p.140).

1.2 Curfews, area closure and control of circulation:

Isolating Palestinians and restricting their movement were some of the most severe collective punishments imposed by the occupation authorities.

At the beginning of the occupation, curfews rarely lasted more than 24 hours. However, after 1983, the use of curfews increased and drastically escalated following the eruption of the Intifada. The duration of curfews varied according to the severity of troubles and the subsequent punishment the Area Commander found suitable for the offence which could last up to 40 days as was the case in February 1988 at the town of Qabatia (B'Tselem, 1991).

During the Gulf War, the whole of the West Bank and the Gaza Strip were placed under a total curfew for three consecutive weeks. It was gradually lifted after the three weeks from certain areas, but in Nablus it continued for six weeks.

In later years, curfews were used for various reasons; to establish law and order following riots, to search for

persons suspected of security offenses, during demolition of houses, to facilitate tax collection and in anticipation of troubles after certain actions by IDF members or settlers ⁵⁵.

During curfews, residents (Palestinians not Jewish settlers), of a certain area, town, district or refugee camp, were confined to their homes. All shops, businesses, schools and colleges and other institutions were closed. Although the Area Commander did allow, on certain occasions, a few hours for residents to re-stock, this was left to his discretion, and in cases of severe troubles and in cases of "problem" areas, residents were frequently left without provisions for many days.

The disruption of orderly civil life during curfews had adverse effects on social and economic activities in the OPT. While Palestinians were denied access to food water and medical supplies, they were also deprived from education, medical care and relief operations. The violence that normally accompanied curfews also deterred international agencies from operating even if they had permits to move.

Restricted area closures had the same effect on the residents of the street or neighbourhood in question. Although they were allowed to move within their area, they were not allowed to move to other areas or to receive people from outside. The situation was aggravated by selective shops and market closures for extended periods of time in response to incidents such as "stone throwing" in their general vicinity. In addition to economic damage suffered by owners of the shop or business, such actions, usually declared instantly, caused safety and health hazards

⁵⁵ In February 1994, following the massacre, in Hebron, of 29 Palestinian worshippers by an extreme Jewish settler, Palestinian towns including Hebron were placed under curfew for many days. However, Jewish settlements, including the settlement where the murderer lived, were allowed to carry on with their normal lives.

as food and other materials were left unattended within the closed premises for weeks (Shehadeh, 1990, p. 418).

In addition to being prevented from obtaining vital supplies, Palestinian business owners had no access to their businesses during curfews as they were confined to their homes. This had a serious effect on businesses and trade not only during the periods of curfews but all through the occupation. Furthermore, the introduction of "Security Gates" as mentioned earlier, obstructed circulation and had adverse social and economic effects on the population, (Chapt.IV Sect 1, item 1.2, Map 7, Tables 17 & 18, & Plates 39-42).

Although Palestinians learned, over the long years of occupation, to cope, live and work within the limitations of frequent curfews and closures, there was no recognisable pattern to anticipate when a curfew or closure would be imposed and for how long.

This contributed to the atmosphere of uncertainty that prevailed in the OPT, which had social, economic and psychological consequences for the civilian population (Shehadeh, 1990, p.365-391). Therefore the effects of these practices extended beyond the actual duration of curfews and closures. Conversations with business owners during the survey revealed that businessmen were discouraged from making long term arrangements or from pre-ordering certain goods as they could not anticipate when the next curfew might occur. Thus, most business owners and potential investors were reluctant to improve or upgrade their businesses or to start new ventures, (Tables 17 &18).

1.3 Taxation Policies and Collection Procedures:

Further to the unfair treatment of Palestinians with regard to tax laws and assessment (Chapt.VI, Sect 2 item 2.4), tax collection procedures caused serious concern amongst human rights and international organisations.

According to B'Tselem, the harassment of Palestinians and confiscation of their ID cards in order to force them to

pay tax became routine in the OPT after the Intifada (B'Tselem, 1991, p.166). As demonstrated above, M.O. 1262, made the issue of a license or permit to any Palestinian conditional on providing proof that he had paid tax owed by him at the time. B'Tselem argue that in some cases the authorities went even beyond the extensive powers accrued under this order by making the issuing of additional official documents also conditional on payment of tax.

After the Palestinian uprising, the Israeli authorities were confronted by a wide spread "tax revolt". Local residents all over the OPT refused to pay the exorbitant "occupation" tax to their occupier while suffering social and economic hardship as a result of various policies and practices.

In response, the authorities intensified their harsh tax collection campaign by increasing tax raids on towns and declaring areas closed military zone to facilitate the collection of tax (Stephen, 1990).

Tax raids became a normal collection procedure after 1987 and were characterised by:

- **Intimidation**, as the appointed tax collecting officer was authorised to "to overcome all resistance" and to break into buildings and property "by force" (Article 4 of Instructions Concerning Collection of Government Monies, 1988, cited in Stephen, 1990, Appendix I).
- **Pressure on Third Parties**: according to respondents and human rights organisation records, the authorities penalised third parties for non-payment of taxes by their relatives, friends, employers (Al-Haq records & affidavits, Stephen, 1990, p.104, Survey, 1993).
- **Confiscation of ID cards**: Although there was no legal authority permitting confiscation of ID cards, this became a common practice after the uprising. Every resident above the age of 16 in the OPT was obliged to carry an ID card or else he would be committing a

criminal offence under Article 21 of M.O. 297 which made him liable to one year imprisonment. This harsh, usually arbitrary, practice worsened the feeling of vulnerability and insecurity amongst shopkeepers and business owners.

In conclusion, taxes, their assessment and methods of their collection caused grave concern to the Palestinian population particularly within the business sector. The survey results showed that after violence and military fighting, tax was considered to be the most serious obstacle that prevented respondents from improving or expanding their business/property and which they considered to have restricted prospects for the development of their city, (Tables 17 & 18).

SECTION 2: The impact of Israeli practices on the Palestinian population

The details and consequences of the Military Orders and the subsequent changes to legislation might not have been directly perceived by most local Palestinians unless they encountered a specific legal situation. Nevertheless, they experienced their effects on most aspects of their daily life during the years of occupation.

Arrests, imprisonment, curfews, selective area closures, restrictions on movements and circulation, house demolition and sealing of property were every day events in one part of the territories or another. Blanket curfews that lasted for weeks, precautionary curfews and their consequences on business, education, health care and other basic needs became expected events. Over the years, and particularly after 1987, local residents endured such practices and learned to shape their lives and carry out their businesses accordingly, despite the difficulties, (Tables 17-18 & App. A, Section 2).

Although Palestinians adapted to their difficult life style, restrictions and obstacles, imposed on them, hampered their efforts to carry out new projects, upgrade

or expand their businesses or engage in any development activity to improve their towns and standard of living.

Thus, the policies and practices of the authorities created an atmosphere of insecurity and uncertainty with regard to their future prospects and discouraged them and their families outside the OPT from investment there.

The data collection phase (1992-1993) came more than five years after the beginning of the Intifada, during which the occupation authorities strictly implemented all the restrictive and punitive measures included in their military enactments. This consisted of those that were issued before 1987 and further orders issued, since, in an attempt to quell the uprising.

The deterioration and decay in the built environment, although showing visible scars of war damage and fighting of more recent years, was clearly the cumulative result of over twenty six years of continuous neglect and deprivation.

Interviews with professionals and politicians, together with author's observations supported the findings of various studies and reports prepared by international and local professional institutions and human rights organisations. However, the survey aimed to obtain the views of local residents, property and business owners, tenants and users as to what they considered to be the obstacles that led to the condition of their buildings, neighbourhoods and city.

The most conclusive evidence of the adverse effect of the Israeli Administration of the OPT came from the results of qualitative and quantitative data obtained from the response to the questionnaire and from informal discussions with respondents.

Respondents were asked what they considered to be obstacles to their ability to improve and/or expand their businesses

and property, and to the development of Nablus city centre in general. The obstacles were divided into three categories; political, legal, and financial obstacles (Appendix A & B). The choice of obstacles was based on the results of documentary evidence obtained from various reports and from the results of the pilot survey in 1992.

Respondents were asked to assess the degree of the effect they believed each obstacle had. This was graded as; serious, bad, small and no effect. In the evaluation of their response to a particular variable, only the answers "serious" and "bad" were considered to have had an effect on their plans for improving or upgrading and on the deterioration of the built environment in the city. Accordingly, seven out of thirteen variables proposed in the questionnaire were considered by all respondents to have affected the condition of their building/business and development of the city, (Tables 17-18 & App. A).

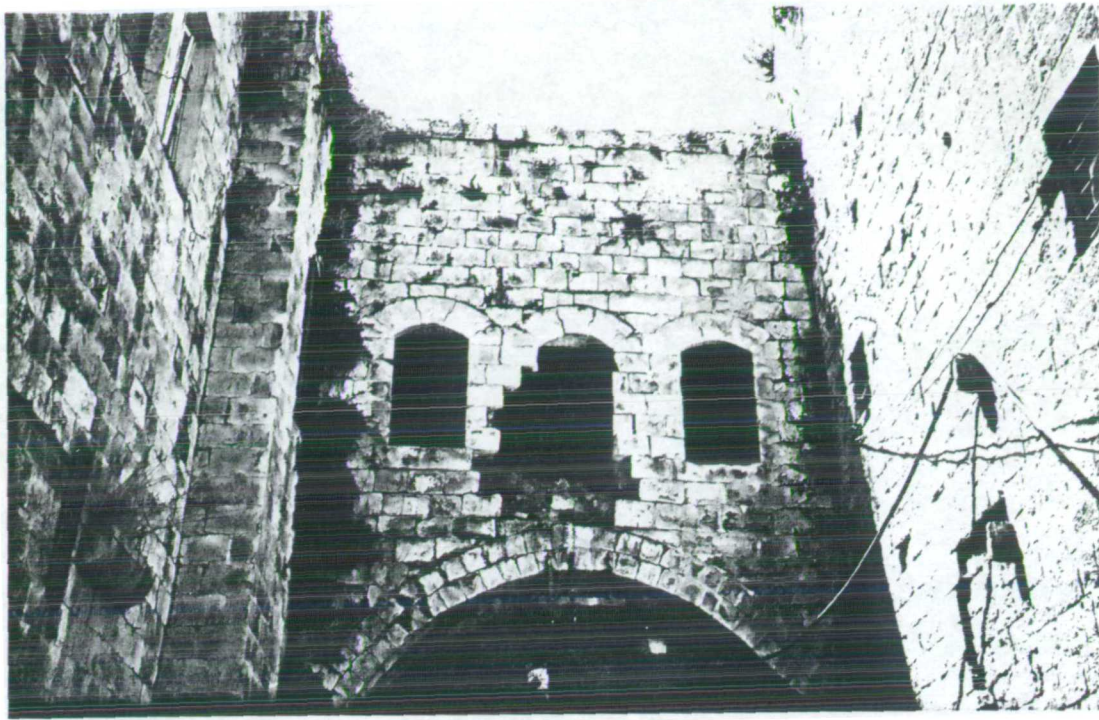
Although the vast majority of respondents considered the political situation to be the main obstacle to development, the issue of taxation policy and methods used to collect tax was regarded by all respondents as the second most obstructive factor.

The most serious obstacle to development was considered to be violence, military clashes and actions of the Israeli army and Jewish settlers (56 out of 57 respondents said it had a serious effect and only one said it had a bad effect). Similar results were given to the evaluation of the effect of taxation policy as 54 out of 57 respondents considered it serious and two said it had a bad effect. The issue of tax, its evaluation and the collection methods, was the most common complaint raised by local residents during informal conversations all through the field visit.

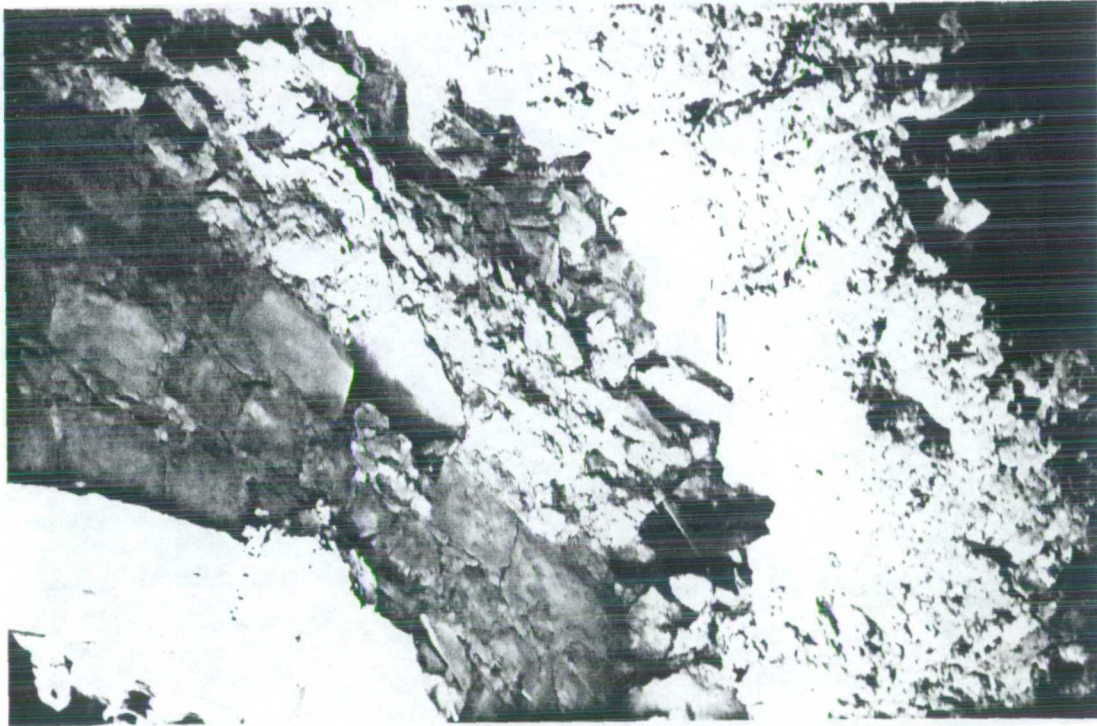
Political obstacles such as uncertainty and security concerning the political situation and future prospects of the territories, curfews and area closures, breakdown in law and order and civil crimes, and demolition and sealing

of property were considered as serious obstacles to development by the majority of respondents. The absence of municipal council also had a serious effect according to most respondents, (ibid).

Whereas the majority of respondents considered that planning laws created obstacles to development, only ten out of 50 respondents thought the effect to be serious and 24 said it was bad (total of 34 out of 50). While this represented 68% of the total response, it was still, relatively, the least worrying to them. This could be due to the fact that most of them were not aware of the drastic changes to the laws and their consequences and therefore could not relate them to their immediate difficulties. This could also explain the fact that ten respondents did not give an answer to this particular question.



1.



2.2

Security Measures

(Zone "A")

1. Historic palace partially demolished by the Israeli army, the historic Bawabat El Beyq suffered from the use dynamite.
2. Use of dynamite in the demolition affected the stability of other structures in the palace complex and near by buildings.

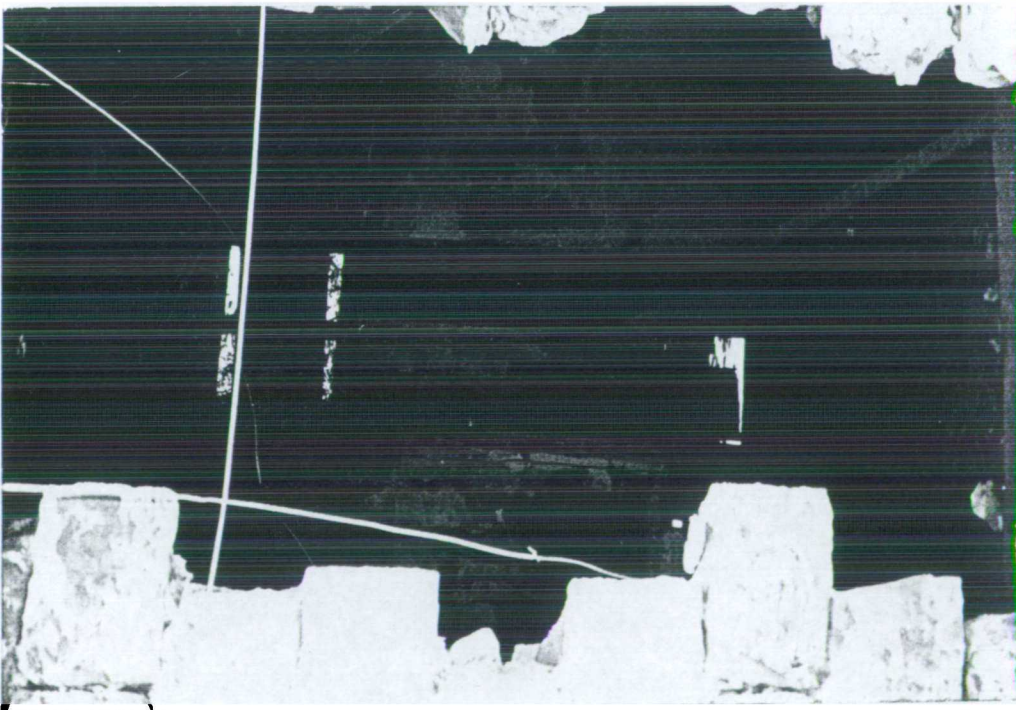
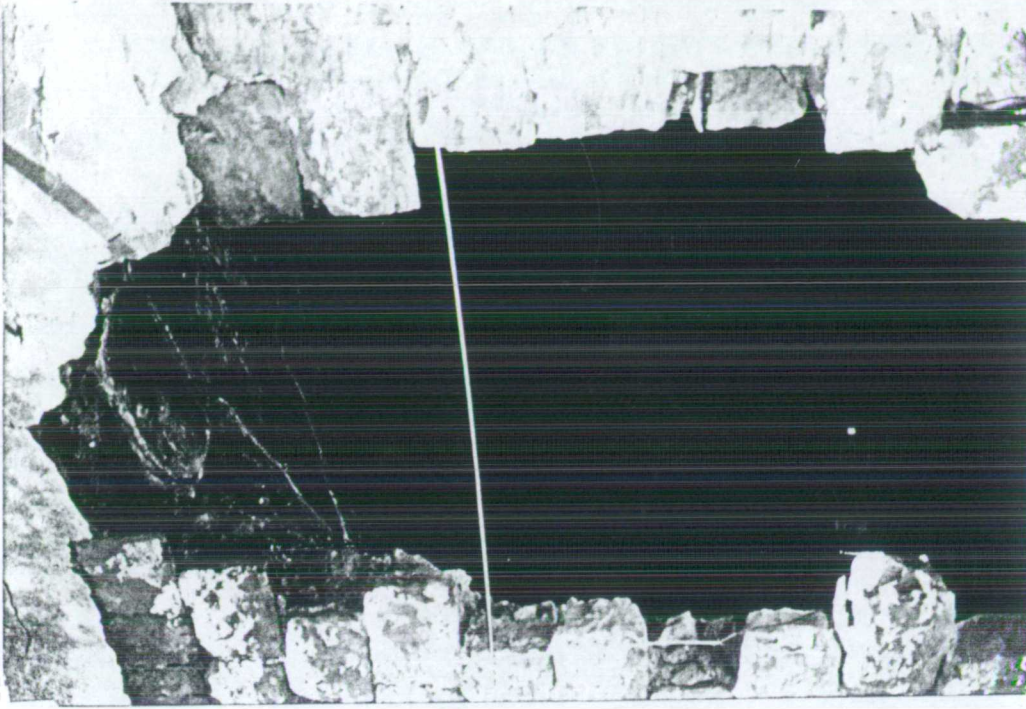
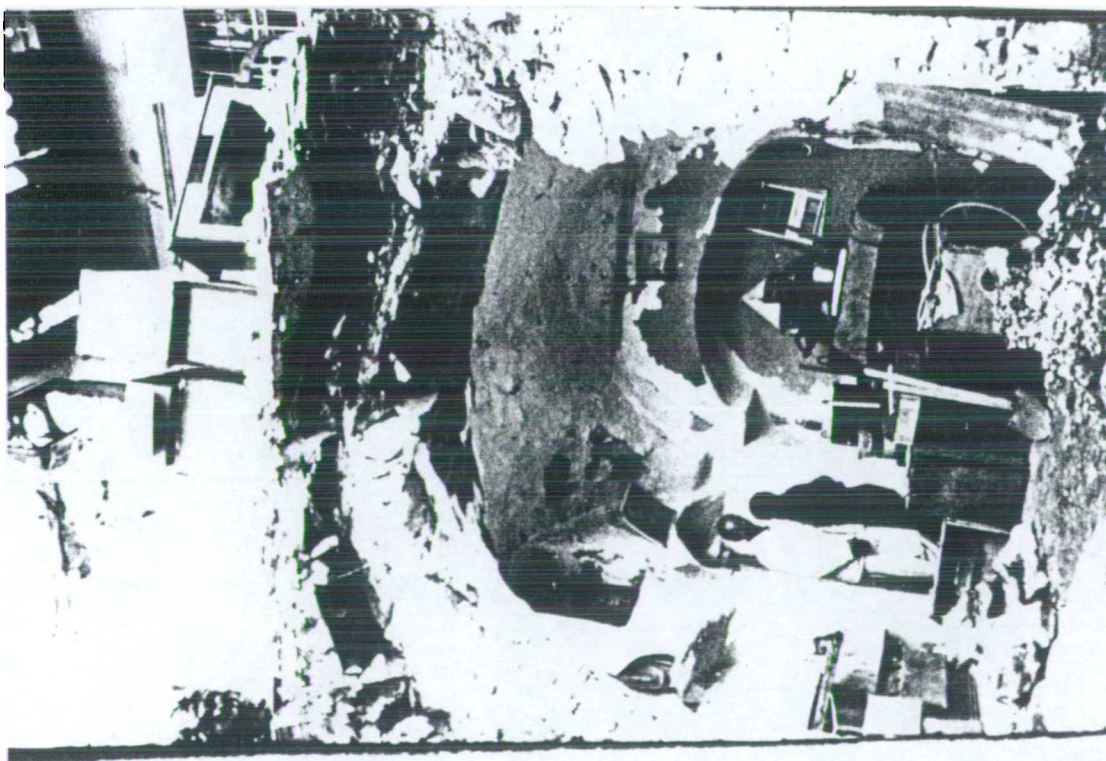


Plate (34)



Security Measures
(Zone "A")

House demolition as a form of collective punishment: The demolition of this house in Al Nassr street severely damaged another six neighbouring houses and made seven families homeless.



1.



2.

Security Measures

(Zone "A")

1. Safadi house immediately after the demolition in 1986.
2. Interior of one room rebuilt by the Safadi's without compensation. The family had no means to rebuild the whole house.

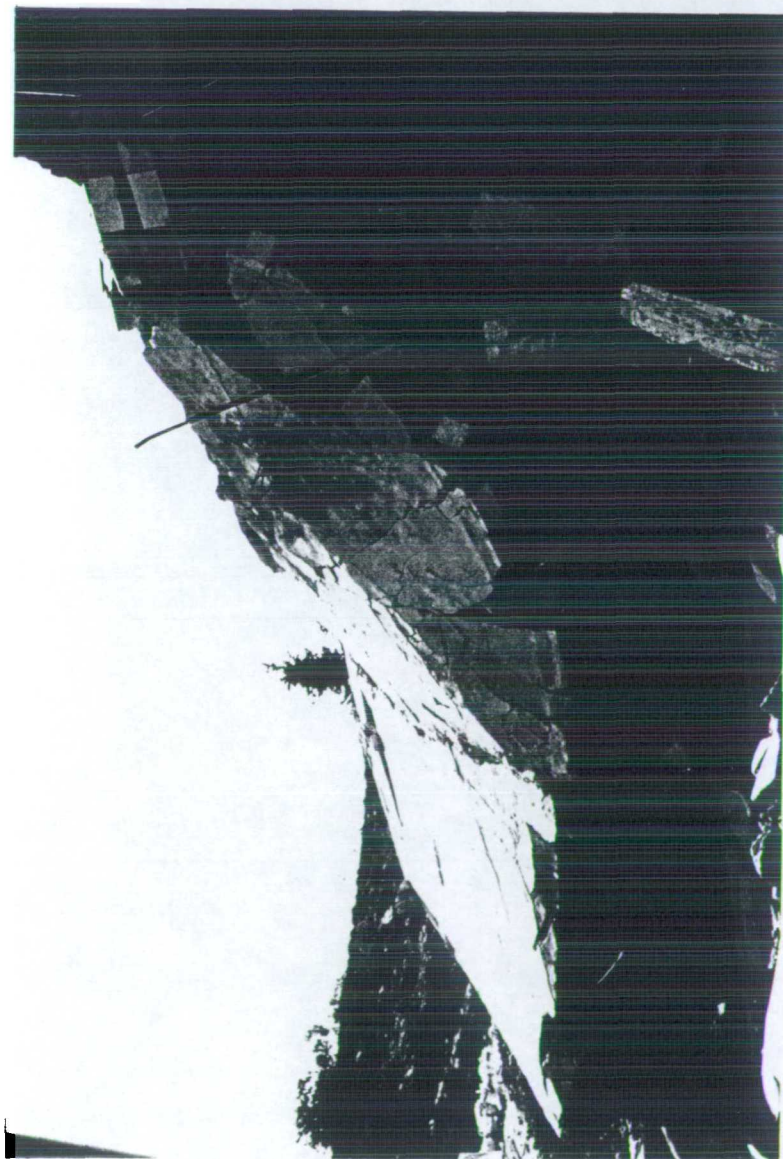
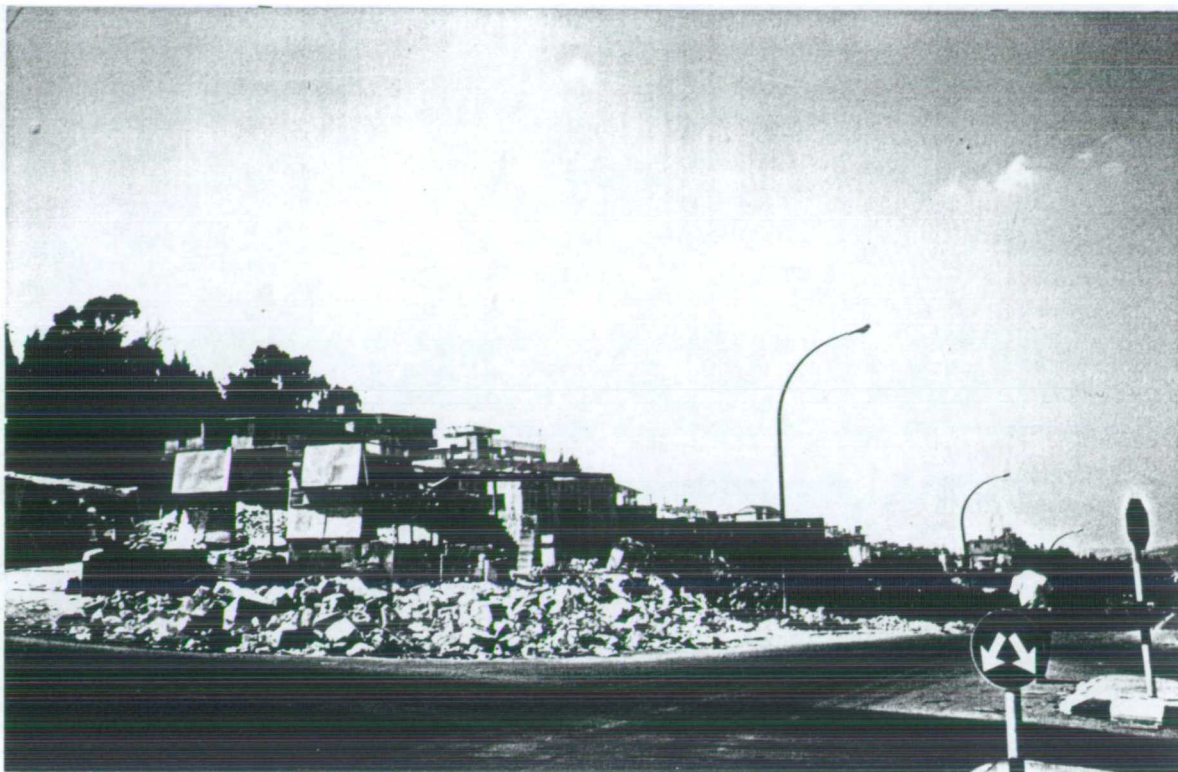


Plate (36)



Security measures

House in a Nablus suburb, demolished 1992.



1.



2.

Israeli Practices

1. Remains of demolished house in Jerzim mountain.
2. Jewish colony built on confiscated Arab land on the top of Jerzim mountain.



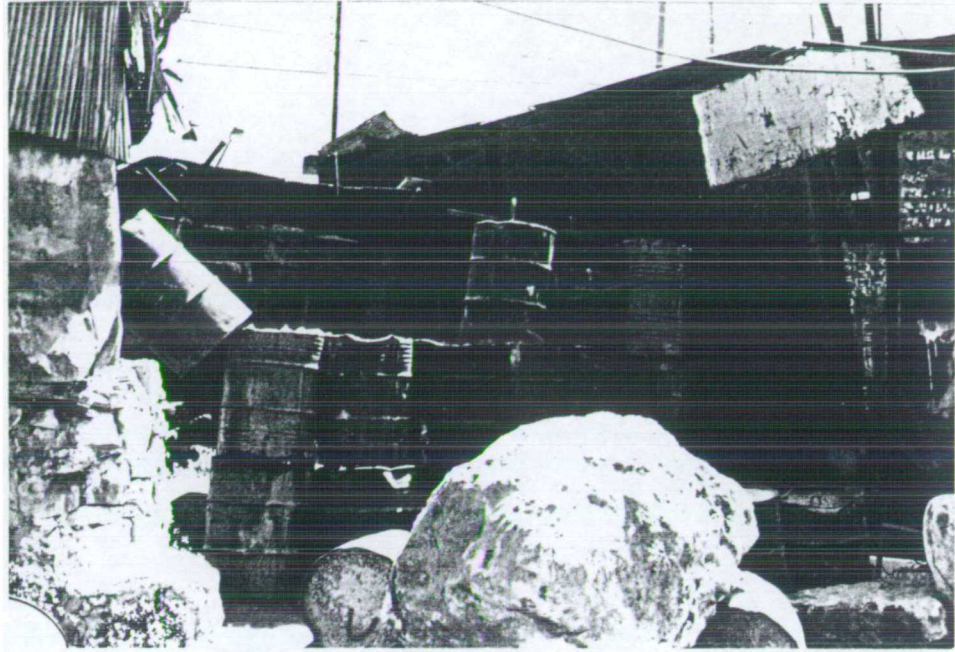
Security Measures

(Nablus City Centre- Al Hussain Main Square)

View from the square showing the southern part of the old city, 1989. The trees in the foreground were uprooted by the IDF as a security measure.

Plate (38)

Security Measures:

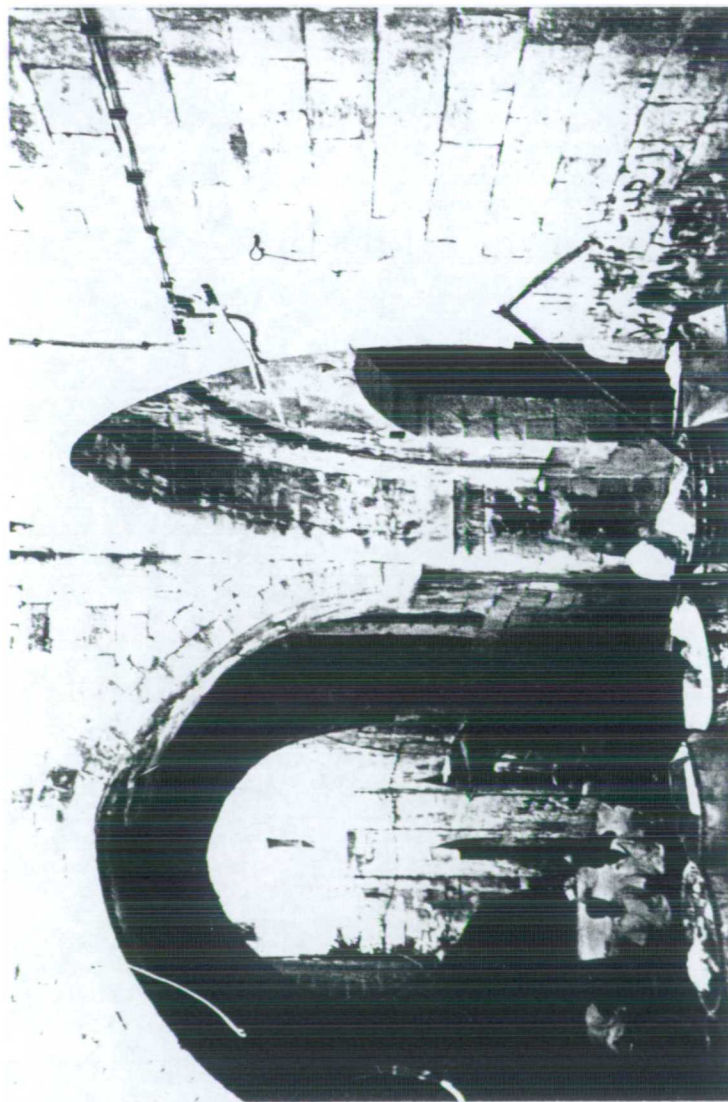
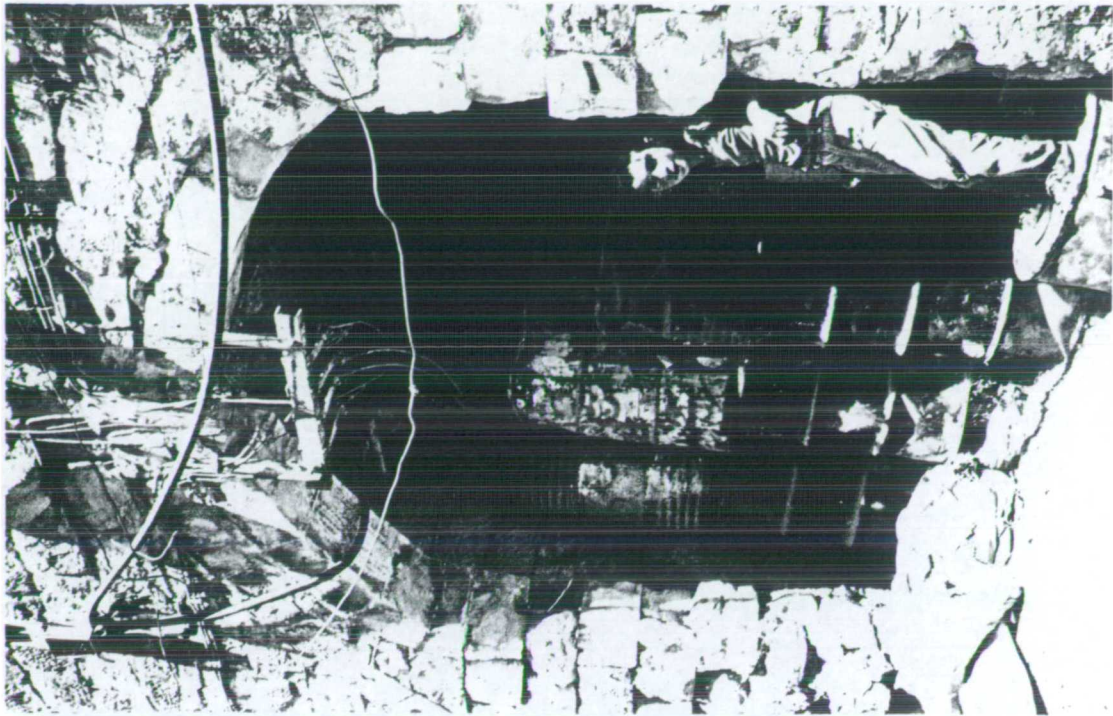


Security gates created obstacles to movement and circulation in most parts of the city centre.

1. Blocked access to the old city from Hitteen street.



2. Gate at top of Hitten street obstructing circulation and traffic between the centre and the north parts of Nablus and blocking access to the main road to Jerusalem.

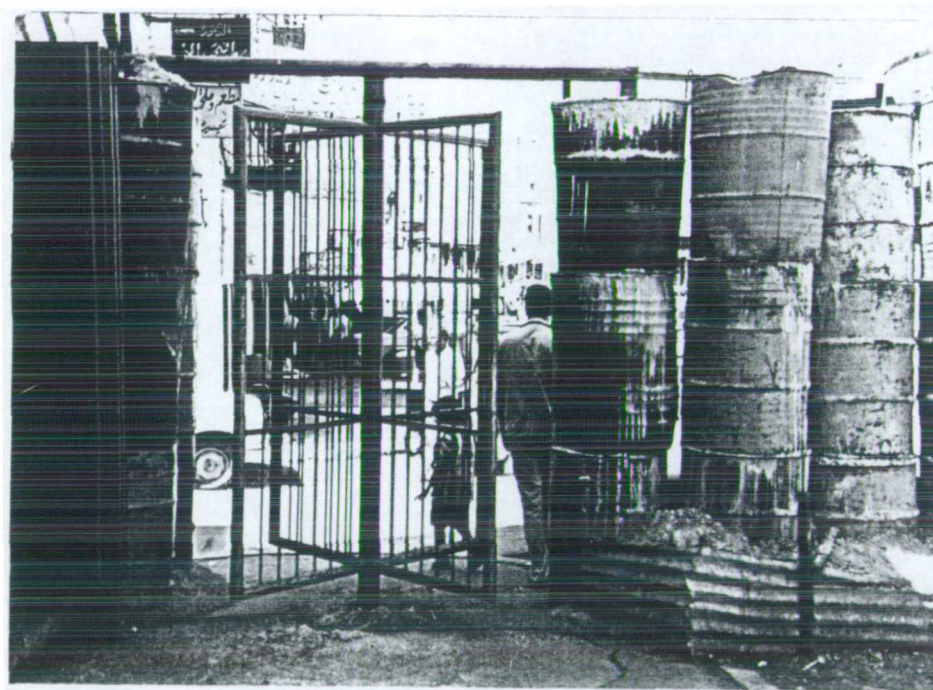


Security Measures:

Zone "A": Blocked historic gate "Bawabat El Bayq", the introduction of the security "gate" obstructs movement between main parts of the old city.



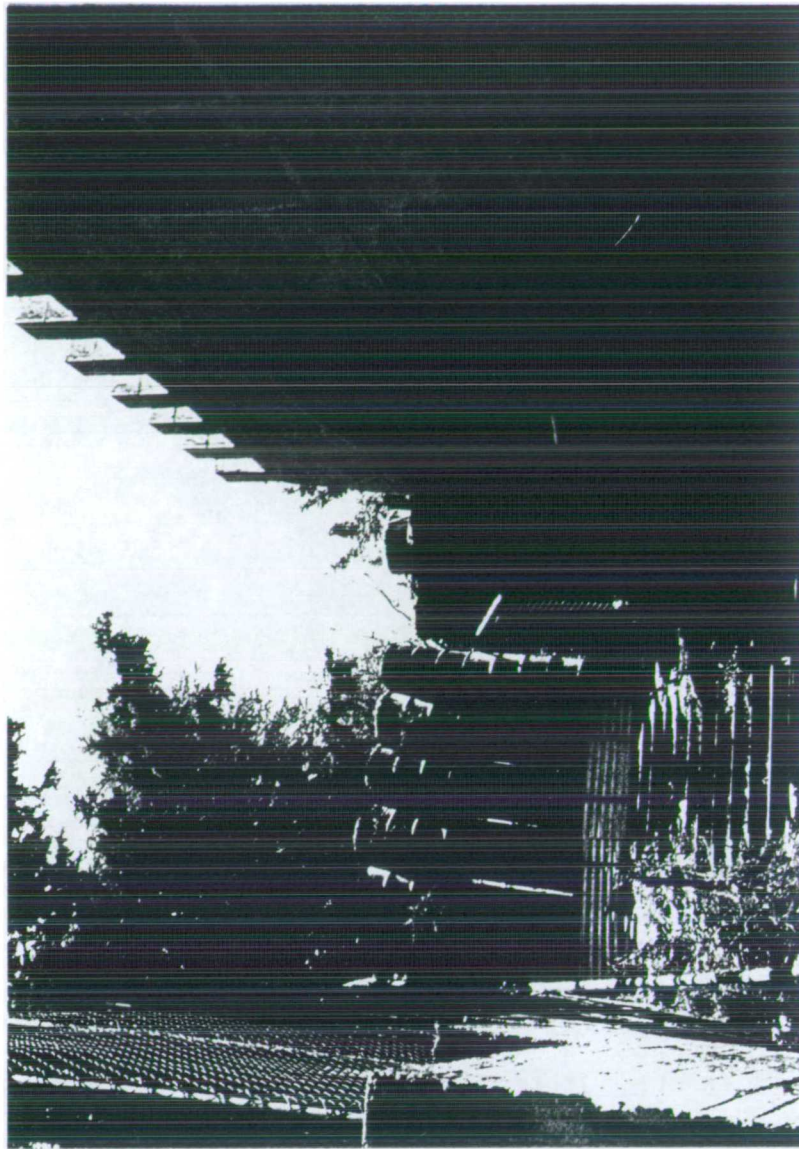
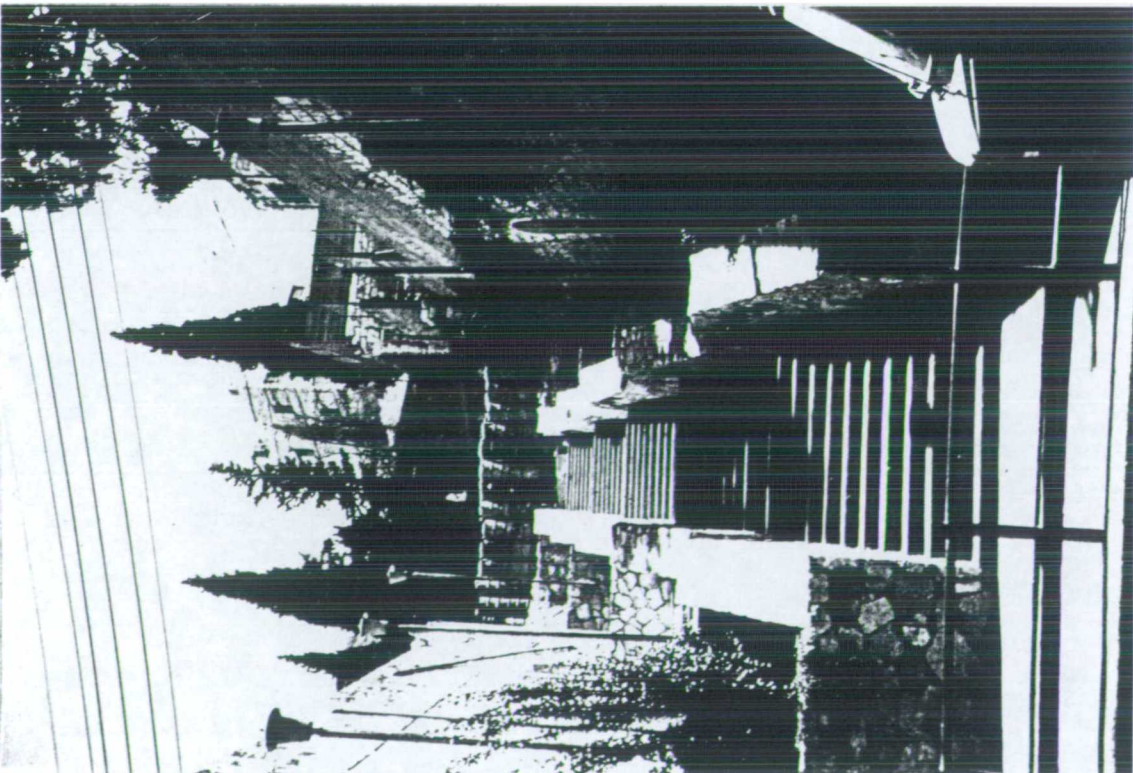
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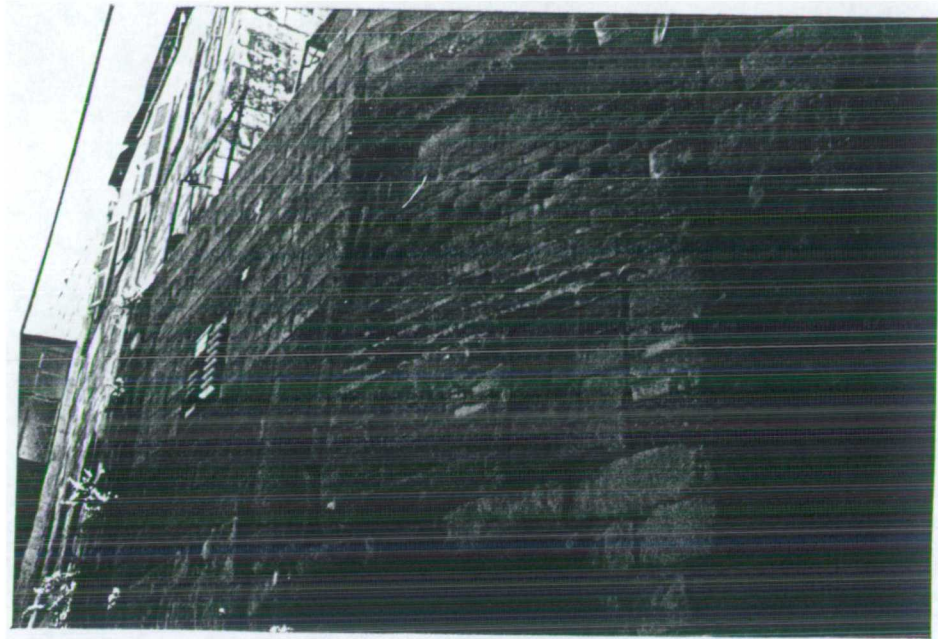
Security Measures:

1. Security Gate between the old city and the main city square.
2. Security gate obstructing circulation and movement between Hitteen street and other parts of the city.



Security Measures:

Security gates to the north of the main square blocking movement between the centre and Eibal mountain.

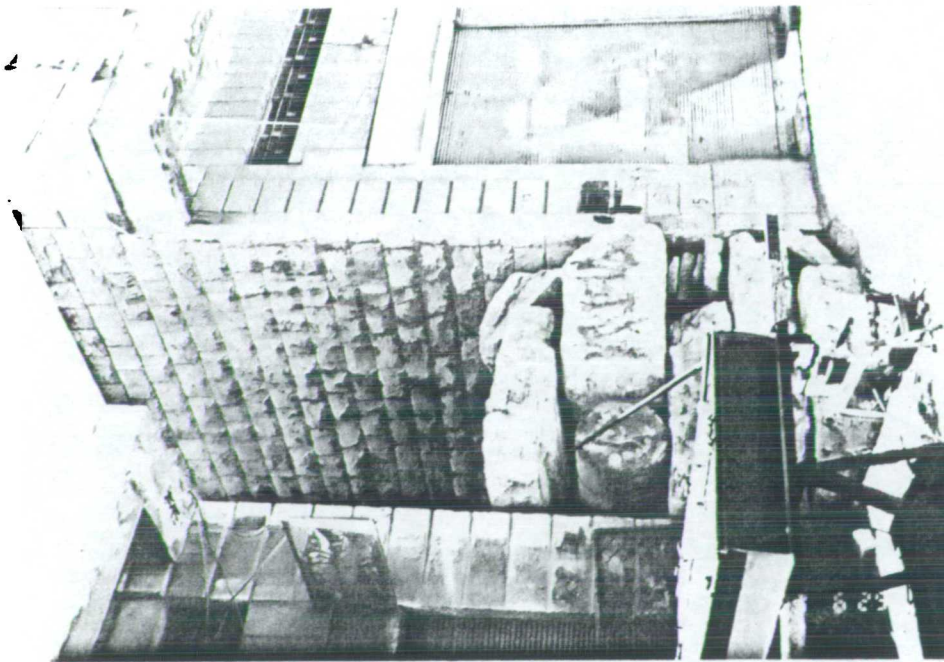


Security Measures:

Sealed property : Openings closed by the use of concrete blocked as a form of collective punishment to the families of suspects or convicts of security offenses. Occupants are banned from using their homes until the end of the prison term.

Plate (43)

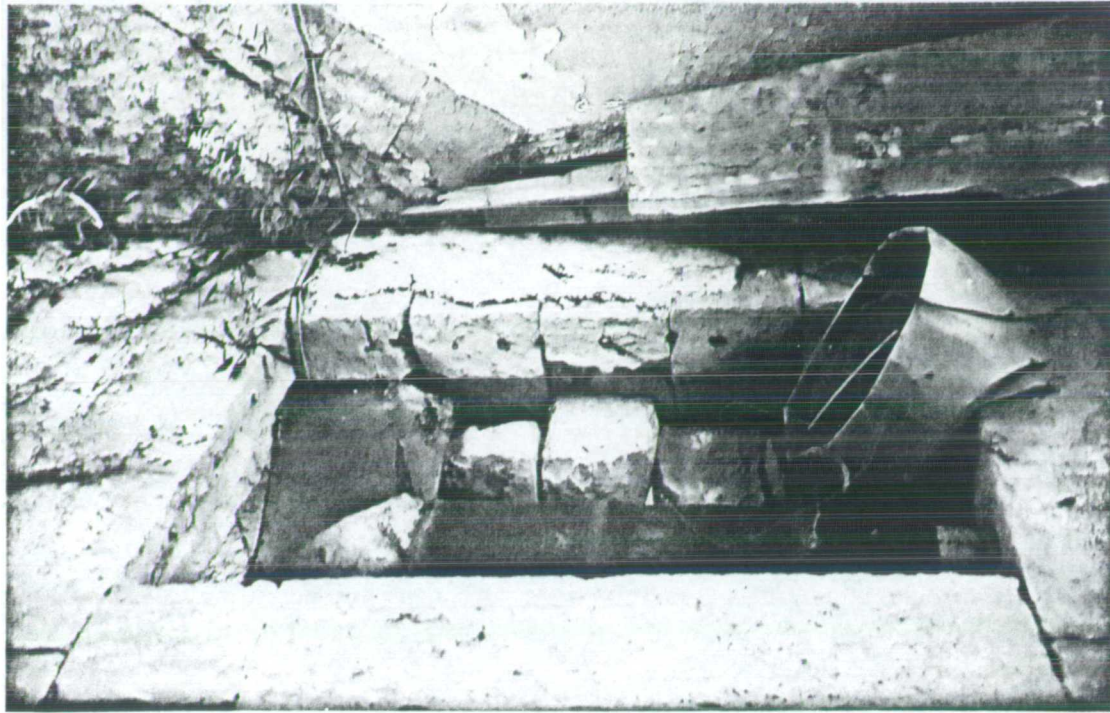
~~422~~ 422



1.

Security Measures:

1. Stone used to obstruct circulation in the centre
2. Sealed opening indicating property sealed for security reasons.



2.

TABLE (17)

**Evaluation of the effects of various
obstacles on development**

No**	Category	Obstacle	Result
1	Political	Violence fighting	57/All
2	Financial	Tax	56/All
3	Political	Political uncertainty	57/All
4	Political	Curfews, closures	58/All
5	Political	Law & Order	56/All
6	Legal	Absence of Municipality	55/58
7	Political	Demolition Sealing..	57/58
8	Legal	Rent Control	50/57
9	Financial	Bank Closure	53/All
10	Financial	Lack of Financ. inst	50/52
11	Financial	Lack of Investment	53/All
12	Legal	Ownership	44/55
13	Legal	Planning Laws	34/50

* Results show only the number of respondents who considered that the obstacles have had a serious or bad effect on development.

** Numbering based on the frequency of respondents who considered the obstacle's effect to be serious (see table B)

TABLE (18)

**Evaluation of the Effect of Obstacles
Frequency Results**

No	Obstacle		Evaluation of Effect				Total
			Serious	Bad	Small	None	
1 (P)	Violence	No %	56 98.4	1 1.6	0	0	57
2 (F)	Tax	No %	54 96.4	2 3.6	0	0	56
3 (P)	Uncertainty	No %	53 93	4 7	0	0	57
4 (P)	Curfews/Clos.	No %	52 89.7%	6 10.3	0	0	58
5 (P)	Law & Order	No %	43 74.1	13 22.9	0	0	56
6 (L)	Municipality	No %	42 72.4	13 22.4	2 3.4	1 1.7	58
7 (P)	Demolition, Sealing..	No %	39 67.2	18 31	1 1.7	0	58
8 (F)	Banks	No %	31 58.5	22 41.5	0	0	53
9 (L)	Rent Control	No %	34 59.6	16 28.1	5 8.8	2 3.5	57
10(F)	Finan. Inst.	No %	24 46.2	26 50	2 3.8	0	52
11(F)	Investment	No %	24 45.3	29 54.7	0	0	53
12(L)	Ownership	No %	19 31.1	25 41	9 14.8	2 3.3	55
13(L)	Planning Law	No %	10 20	24 48	10 20	6 12	50

Key:

F: Financial Obstacle

L: Legal Obstacle

P: Political Obstacle

Conclusion:

The previous three chapters demonstrated how did the legislative and administrative changes, introduced by the Israeli Administration, ensure its control over all natural, human and financial resources in the OPT during the years of occupation. The consequences of such changes had had serious and direct effect on rural development. This study has shown that urban development had also been affected, indirectly through certain policies and practices of military occupation.

The loss of Palestinian land and control over its use in rural areas also increased the pressure on towns and cities, thus aggravating the condition of its overcrowded centres and buildings, overloaded services, and its already fragile environment.

The implication of these changes affected both; the Palestinian "public" sector, including local authorities and public institutions, as well as the "private" sector (formal and informal) including private investors, financial institutions and local business owners, as well as voluntary organisations. These can be summarised as:

1. Prospects for, and the process of, urban development were constrained by;
 - land policies including; confiscation, restrictions on its use, registration and subdivision;
 - changes in planning laws and administrative structures which excluded the local authorities and the public from participating at any level concerning urban development;
 - obstacles imposed on building permits and construction activities and the use of water and other natural resources and restrictions on municipal boundaries;
 - full control of the Israeli authorities of the financial sector in the OPT including closure of all Arab and foreign banks, restrictions imposed on local residents to invest or receive outside

investment and on the ability of international and Arab organisations to fund and carry out development projects;

- Severe taxation policies including higher taxes, and harsh assessment and collection procedures.

2. Palestinian local authorities and public institutions have been unable to play an effective role as:

- Municipal and local councils have been weakened and marginalised by the occupation, and were therefore unable to fulfil their responsibilities and serve their constituencies. Some towns like Nablus remained without a council for many years. Local authority personnel were deprived of any central government financial or technical support and training facilities. Consequently they lacked the technical and managerial expertise to carry out their work.
- Professional and academic institutions and private voluntary organisations' work were restricted by the Israeli policies and practices. They lacked the technical and financial resources to carry out research and training programmes to enable them to fulfil their functions.

3. The Palestinian local residents in the OPT and their ability to contribute to the urban development of their towns, have suffered;

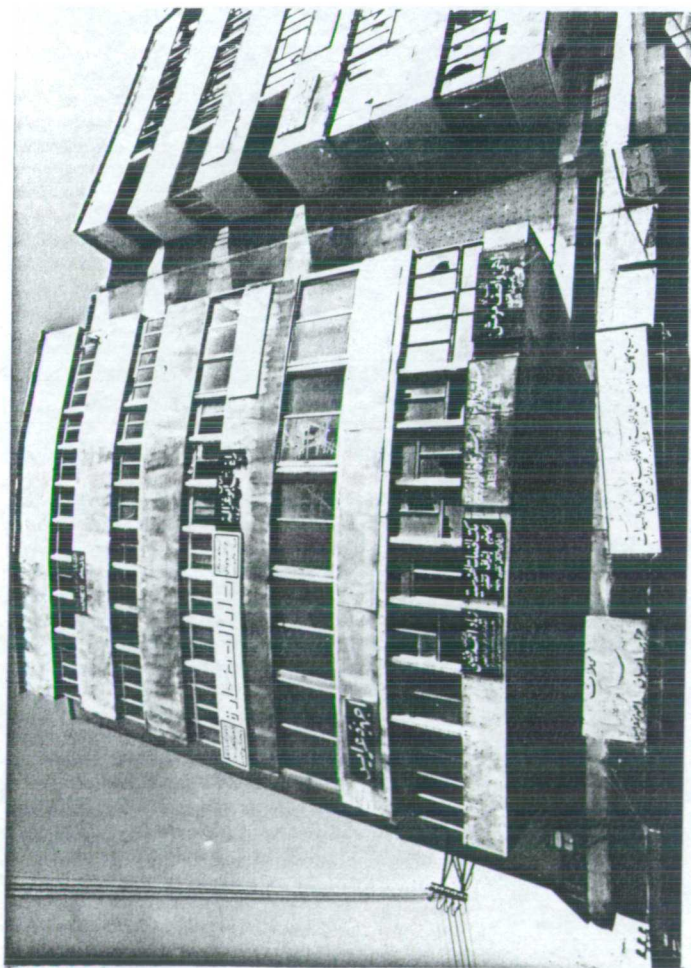
- directly from the effect of the military occupation and the subsequent security measures implemented by the authorities and the army which included, physical violence, arrest, detention, curfews and area closures, demolition and sealing of houses and tax raids;
- indirectly from restrictions imposed on building and business permits, import and export and external technical and financial assistance, closure of banks and absence of financial institutions to guide investment and facilitate credit and saving

facilities and other obstacles to urban and economic development.

Furthermore, the Israeli policies and practices created an atmosphere of uncertainty and instability which discouraged local Palestinians from upgrading, improving or expanding their business/property or from carrying out any form of investment over a sustained period of time.

Consequently, the Palestinian public sector (local authorities and public institutions) was unable to contribute to the urban development in Palestinian towns which worsened the overcrowding of towns, the inadequacy and overloading of public utilities and services and the deterioration of environmental conditions. The private sector was also unable to invest and contribute to development activities and therefore did not invest in maintaining, renewing or upgrading existing buildings and amenities nor did it risk investment in new projects.

In conclusion, without constructive policies and programmes from a national government and with the new regulations and restrictions imposed by the occupation authorities on the Palestinian public and private sector, Palestinian towns had no effective plans for future development or support to improve their deteriorating conditions during the Israeli Administration.



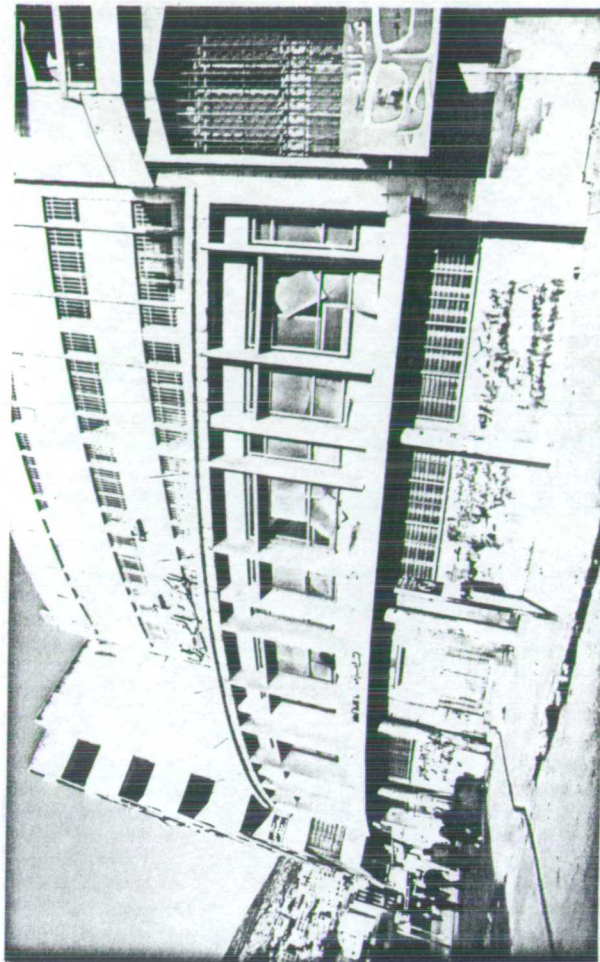
War Damage:

1.

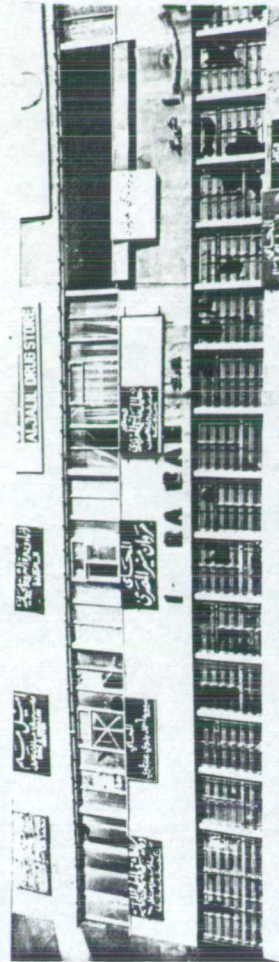
Zone "B", Main city square
1. Damaged Facade, abandoned upper floors, a familiar sight in the centre.

2 & 3.

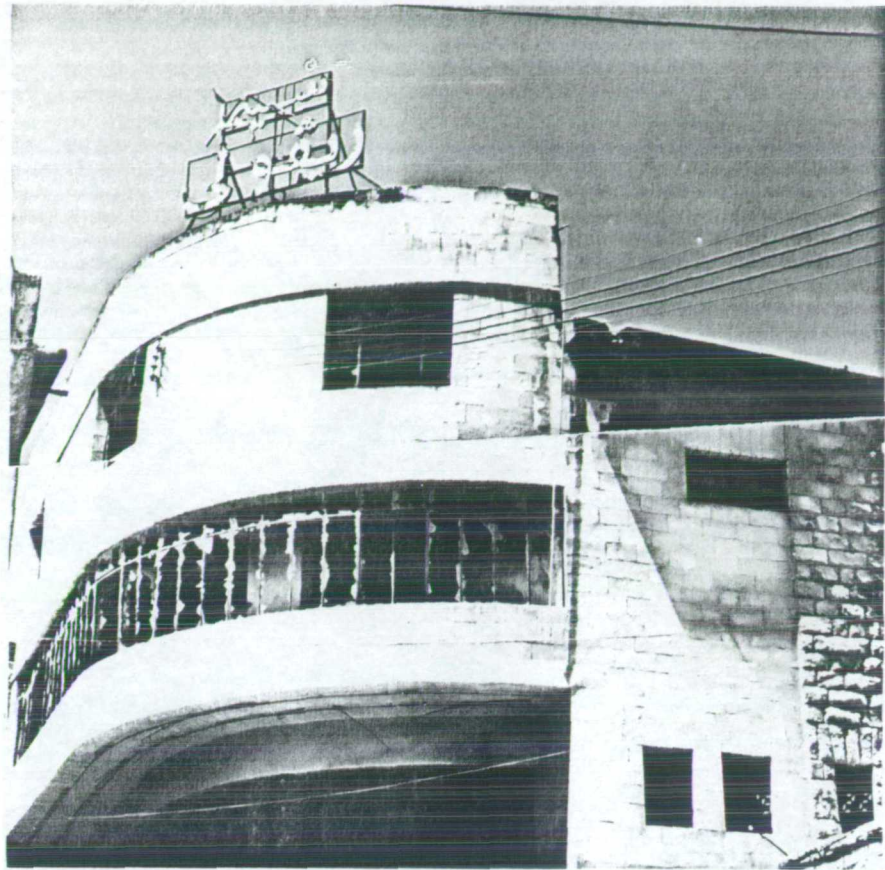
Offices of the Arab Bank and Intra Bank, closed after 1967, building severely damaged as a result of military clashes in the main square.



2.



3

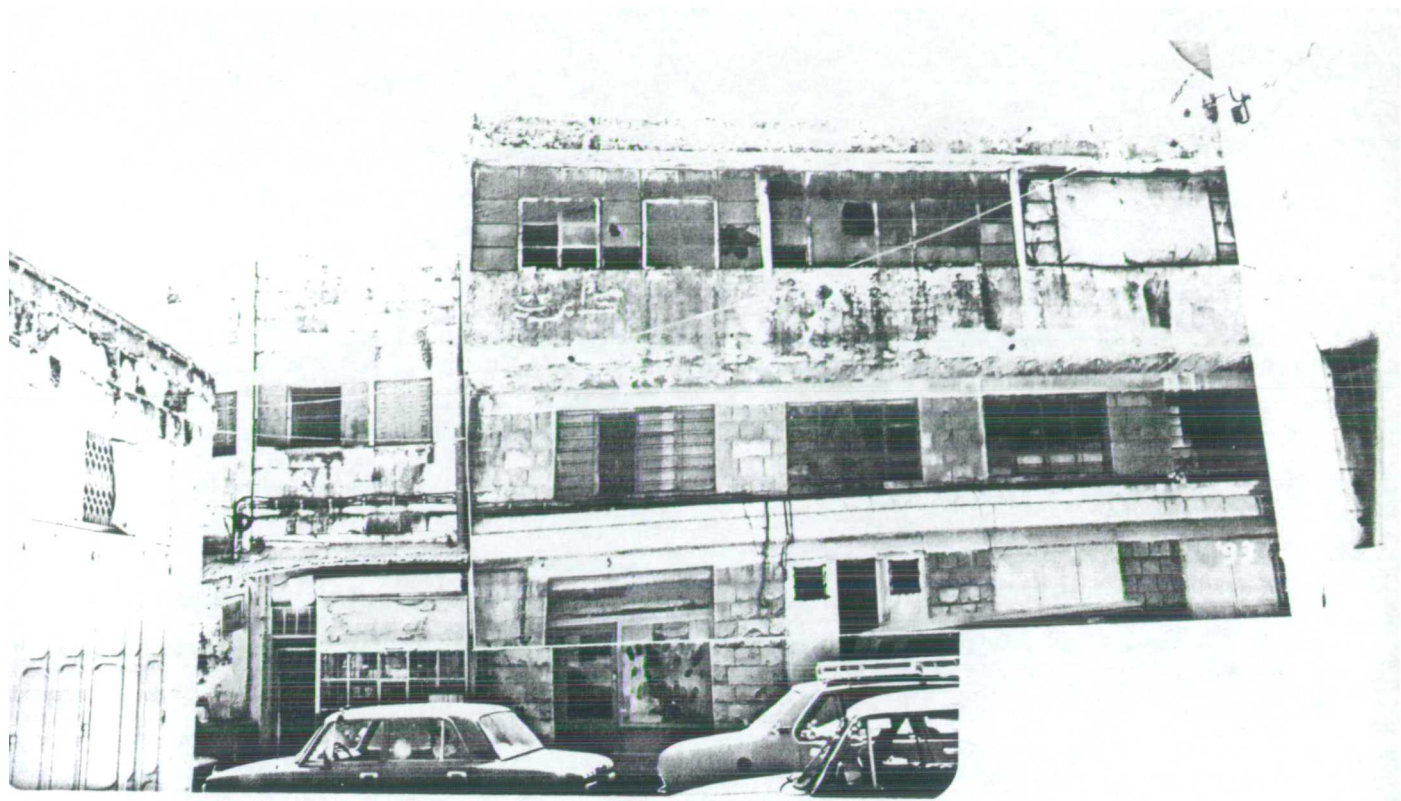


War Damage:

**Zone "A"; Rivoli Cinema in Ghernata Street,
Severely damaged by fighting.**



Plate (46)



War Damage:

Zone "B", damaged facades and abandoned offices



Plate (47)

CHAPTER IX
Summary and Conclusions

Summary and Conclusions:

"There will be no development (in the occupied territories), initiated by the Israeli Government, and no permits will be given for expanding agriculture and industry (there), which may compete with the state of Israel.", (Yitzhak Rabin, February 1985).⁵⁶

Background:

In the three years it took to complete this research, it was not possible to compare conditions that prevailed in the occupied Palestinian territories with a similar situation which existed in any other country. Nor was it possible to relate the information to previous colonial experiences. The circumstances which surrounded the political conditions in the OPT are unique. A whole nation was kept in an illegal "semi-temporary" conditions for over a quarter of a century, ruled by a foreign military occupier, whose political objectives were in conflict with its own interests. While the international community and international organisations continued to issue declarations, resolutions and call for the withdrawal of Israel from the occupied territories, Palestinians lived in a state of suspense, waiting for a political solution that could end their ordeal.

By considering this situation **temporary** and calling for its end, the international community represented by the UN and the Security Council waited, while some two million civilians were living without protection or proper provision for their safety and welfare, for that end. Meanwhile, the actions and practices of the authority in charge of the territories made **permanent** changes on geographic and demographic characteristics of the territories it occupied, while the Palestinians watched

⁵⁶ Responding to a request from the Israeli Citizen's Rights Movement for the relaxation of restrictions on development in the occupied territories, the, then, Defence Minister of Israel (Prime Minister 1992-), quoted in the Jerusalem Post, 15.2.1985, cited by Shadid, Israeli Policy towards Economic Development in the West Bank and Gaza Strip, 1988 and UNCTAD, 1989, p.148.

their land, natural and financial resources gradually and systematically being depleted.

Indicators for the deterioration in the physical condition of the built environment and problems in urban development in the OPT are generally shared with many Third World countries. However, it is evident that the most significant difference lies in the reasons that contributed to this state of affairs.

In normal circumstances, the failure of urban development programmes is attributed to factors such as; inadequate policies, lack of funds, and professional and technical skills, mismanagement, or corruption. However, regardless of the reasons, most governments attempt to mobilise their resources and benefit from available international aid agencies to improve prospects for development in their countries, albeit, with modest success rates.

In many countries, governments encourage the role of private voluntary organisations and often consider them as major actors in the field of development. Many countries today rely on a multiple partnership approach in urban development:

- i. the public sector, in the form of the central government and local authorities have representatives from local professional and academic bodies and frequently with considerable amount of public participation. It tries to promote programmes for development, subsidise them, and seek the necessary resources to implement them. Whether such programmes are successful or not, most countries attempt to protect their human and natural resources particularly land and water, and try to maximise their utilisation;
- ii. the private sector, formal and informal, contributes to investment in public projects such as housing and provision of services and infrastructure. Its involvement in commercial and industrial activities, helps in creating jobs, reducing unemployment and in improving living standards in general.

Nowhere do governments deliberately obstruct such programmes, neglect to prepare or declare any development plans and policies, object to international aid programmes, create obstacles for outside investment and ban local private investment. Indeed no government official had before declared that his government had no intention to initiate development in a territory under his and his government's control when this development concerned the welfare of a people for whom they had responsibility.

Summary:

1) What was the condition of the built environment in Nablus?

The evidence presented in this study strongly indicates serious problems in the physical condition of buildings, amenities and urban spaces in the centre of Nablus. Results of the social survey demonstrate peoples unwillingness and inability to maintain or invest in their property and businesses.

In general, the physical survey results might look as a standard inspection report describing the state of many towns in developing countries with the usual urban decay symptoms. The symptoms list included: lack of maintenance of existing buildings; evidence of dampness; water penetration; roof and plumbing leakage; resulting in stains; mould and plant growth; failure of finishes and inadequate quality of construction. Additionally, environmental problems, traffic problems, inadequate public services are also familiar characteristics of the built environment in many developing countries, in spite of government declared programmes and attempts to improve these conditions.

The physical survey in Nablus city centre provided evidence of many indicators of deterioration in physical condition of buildings, services, amenities, and infrastructure in this major urban centre.

The results of the questionnaire survey clearly indicate the users dissatisfaction with the condition of their buildings and surroundings, the condition of the city centre and the environmental conditions in general. However, what soon became evident was the absence of any real action to improve these conditions either by the public or the private sector.

Additional support for the findings of the questionnaire and the physical survey came from information obtained from municipality officials and professionals with regard to problems they faced in their attempt to improve the situation. These problems included their inability to improve the level of services and provision of public utilities which would involve obtaining permits from the Israeli administration.

Such permits were required for a wide range of activities from digging new water wells to improve the water shortage problem, to importing spare parts for their dilapidated electric generators and any other machinery. Permits were also required to receive financial or technical aid from outside the territories. Inability to travel freely or to invite experts for training and technical assistance were also major obstacles faced by the municipal staff in particular and the whole population in general.

According to these officials, not only were they unable to make plans or obtain support and funds for the future development of their town from the Israeli Civilian Administration, they were also incapable of maintaining the limited level of services they provided nor to halt their deterioration.

The survey results also show changing trends in activities in the centre particularly in the historic core. Although such changes may be considered normal in other towns, a strong link was noted in the study between the political condition and the closure of many businesses, the phenomenon of shopkeepers exodus from the old city to the

main square to work as street vendors, closure of cinemas, coffee houses and restaurants.

The questionnaire results clearly demonstrate the adverse effect of security measures such as; curfews, demolition and sealing of homes and property, the introduction of security gates in the centre on businesses, financial restrictions such as high taxes and methods of their collection. All these factors were considered by building users to be major obstacles to development. The atmosphere of uncertainty and insecurity, resulting from such measures, affected their willingness and ability to invest and improve the physical condition of their property/business.

Interviews with various Palestinian officials, present and past, supported by documentary evidence, bravely made available, corroborated data obtained in the survey.

Additional evidence in support of the questionnaire survey and interviews was obtained from various international and local (Israeli and Palestinian) human rights reports, records and affidavits that were also made available to the author.

As mentioned above, there are many factors that can contribute to the failure of urban development policies. Therefore, the research objective after examining the nature and extent of the problems in the built environment in the OPT and prospects for its development, was to examine the relevant prevailing policies and practices that may have contributed to these conditions. Another objective was to examine how these policies developed and who was responsible for their issue and implementation, in order to establish whether there was a link between the two.

2) *What were the Israeli Administration policies for urban development of Palestinian towns?*

During the course of this study, it was difficult to find any evidence to indicate that the Israeli authorities, responsible for the administration of the OPT, have ever

prepared plans or formulated programmes for the development of Palestinian towns. This study reviewed and analyzed some of the vast number of military orders which were published and implemented to deal with issues relevant to development. Nevertheless, the study found no officially declared or published development policies for the territories and many attempts to obtain such information from officials in the Civilian Administration failed.

An examination of the military enactments which revised and replaced the original Jordanian laws showed that no provision was made to protect civilians and their property, to plan for the development of their urban and rural areas or to improve their living conditions. Consequently, in the absence of such information, it could be assumed that the lack of such policies and programmes may provide sufficient explanation for the lack of investment and development and the deteriorating conditions in the built environment.

However, careful examination of the Israeli Military Orders provides a more interesting explanation, as it becomes evident that it was not only the policies, which the Israeli Administration failed to plan and implement, but rather the policies it carefully planned and strictly implemented which had effectively obstructed development.

This research found that the main problem that faced Nablus and other Palestinian towns was twofold; on the one hand the existing built environment was deteriorating and no measures were taken to halt that deterioration. On the other hand, prospects for future urban development seemed unfeasible.

It is difficult to imagine how urban development of any dimension could have been achieved without its main ingredients including: land, plans, permits, finance and authority. All these have been examined and analyzed in this study and can therefore be summarised thus:

1. Land: Palestinians suffered from drastic reduction in their land to 20% of that they had before the occupation. Control of what goes over what was left of that land had also been removed from them.

2. Development plans and programmes: None was initiated or prepared by the Israeli Administration for the OPT. Plans prepared by Palestinians were not approved.

3. Permits for development: Severe restrictions were imposed on Palestinian local councils and individuals for obtaining building permits, construction activities and use of their own water and other natural resources on what remained of their land.

4. Finance: Israeli control of the Palestinian financial sector was characterized by the absence of a national budget, and of any Palestinian banking system or financial institutions; obstacles to outside and local investment; and obstruction of international aid agencies efforts. The situation was exasperated by an unfair taxation system.

5. Authority: Normally, the responsibility for the provision and interaction between these ingredients is shared by both the public and private sectors, each involving a number of actors. By examining the ability of any potential actor that could have an active role in the urban development of the town, the study found that:

1. *The private sector's* ability, including potential investors, business and property owners, to contribute was crippled by the atmosphere of uncertainty and insecurity created by security measures implemented by the military authority. This aggravated the impact of restrictions imposed on natural and financial resources.

2. *Local and international voluntary organisations'* efforts were also obstructed by the authorities actions and constraints.

3. *Local academic and professional institutions* were also unable to play an active role due to political, legal and financial restrictions imposed on their activities.

4. *Local councils and chambers of commerce* abilities were limited as they were weakened and excluded from any decision making role. They were also deprived of funds, and training facilities and were short of human and technical resources.

5. *Central Authority* (represented by the Military Authority and its Civilian Administration mainly staffed by Israelis) made no plans or programmes for the development of Palestinian urban and rural areas. Most importantly it created and implemented laws and regulations which restricted the ability of local councils, institution and the population from helping themselves or receiving outside help.

Conclusion and Contribution:

The research objectives were to examine the Israeli Administration policies in the occupied Palestinian territories and their implication for the prospects for urban development. However, all through the course of the research, it was difficult to define strategies followed by the Israeli administration and relate them to any existing and similar planning and development strategies including those Israel employs within its own legal boundaries, and within its illegally established settlements in the OPT.

The research found that the political and professional objectives of the Israeli administration were closely linked and fed on each other. The resultant planning and regulatory policies are a clear expression of those inter-connected goals. However, such policies could only be implemented by extreme centralisation of power and full control by the occupation authorities of all tools relevant to urban development, thus excluding the legitimate local population from participating in the decision making process.

Israeli Administration policies were carried out and sustained by military force and severe military practices. The long harsh years of the occupation, and subsequent restrictions, created an atmosphere of uncertainty and hopelessness within the Palestinian community which prevented them from developing their towns and improving their living conditions.

Consequently, the physical condition of the built environment and prospects for urban development in Palestinian towns were adversely affected by the Israeli Administration.

The research contribution is that it has investigated the nature and extent of the problems with the physical condition of the built environment in Nablus and developmental trends in the occupied territories, thus providing additional information originally missing from previous research. The research also explored the connection between the deteriorating condition of the built environment and inadequacy of urban development in Palestinian towns and between the policies and practices of the Israeli administration and established that there was a causal link between the two. Furthermore, the study provided evidence of the adverse impact of such policies and practices, directly and indirectly, on peoples ability to develop their towns and improve their living conditions.

The research findings have thus validated the hypothesis and demonstrated that;

"the Israeli administration of the OPT between 1967-1994 had been a major cause of the deterioration in the built environment in the centre of Nablus. "

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APPENDICES

APPENDIX "A"

DATA ANALYSIS

The Questionnaire

DATA ANALYSIS

The data analysed in this appendix is that obtained from both parts of the questionnaire survey conducted in the centre of Nablus between May and July, 1993, (Questionnaire form is included in App. "C" below).

Respondents Characteristics:

A total number of 60 questionnaires were completed during the field survey and are considered in this analysis. The respondents relation to the building/unit inspected were 12 owners (10 owner/ occupier and 2 owners letting their property), 48 of the respondents were tenants.

1. Owners: Out of the ten owner/occupiers, seven had owned the property for over 40 years and two for over 25 years, and one for over ten years. One of the two owners interviewed had let the property for over 40 years and the other for over 25 years.

There was no strong indication that satisfaction with the building use and condition among owner/occupiers had any bearing on the owners plans to change the building use or to expand and upgrade. One owner-occupier refused to comment on questions related to obstacles to change or improvement of building. All the nine respondents considered the political condition and the occupation authority's practices as the main obstacles. Financial and legal obstacles were also considered serious by six respondents as opposed to three. The absence of municipal council and provision of institutional services did not seem critical in the view of five out of the nine respondents.

Of the two other owners whose properties were let, neither was satisfied with the rent, the building use nor the building condition. Neither had ever maintained the building and both had plans to change the building use and expand, but sited the legal conditions, namely rent control, as the main obstacle to their plans.

Tenants: A total number of 48 tenants were interviewed, the length of their tenure varied from between over 40 years and less than a year.

The vast majority of tenants stated that the rent had never been reviewed (41 respondents out of 47, who agreed to answer the question, representing over 87% of this category) and six had not had their rent reviewed for over ten years. Almost half of the tenants agreed that the amount of rent they paid was not fair to the owner, although two of them regarded it as too high for the amount of care and service they get from the owner.

Frequency of Maintenance:

Maintenance was defined as the work routinely carried out by the user (owners and tenants) to improve the unit/building internally such as repairing or replacing damaged items such as floor or ceiling tiles etc., wall and ceiling re-paint, cleaning and re-decorating if needed. External maintenance is defined as work needed to the external walls, ie. cleaning and re-pointing of brick or stone facades, replacing faulty doors and windows, applying and repairing roof protection elements, repair and prevention of water leaks resulting from faulty drains, pipes, gaps between windows/doors and walls, clearing drains, gutters etc., repair of external lighting, lifts and the like. This work is normally carried out by building owners or by tenants at owners expense. The following are the results of the frequency test:

- Of the twelve owners interviewed, only one maintained his property every year and another owner/occupier every 2-3 years, two others stated that they maintain it at more than five years intervals and four said they only maintain when there is need (author's observation/notes indicate serious need for maintenance in three of the four). Four respondents who owned the property in question said they never maintained it (two owner/occupier and two owners) representing one third of all owners.

- Also one third of tenants (16 respondents) stated they had never maintained the unit they rent, while twelve said they had not maintained it for over ten years. It was also observed that five out of the seven units inspected, where tenants said the frequency of maintenance varies, were in bad physical condition and had not been maintained for many years (observation notes).
- Most tenants did not consider that the landlord was doing enough to maintain the building, 34 out of 48 tenants (70%). Only 3(%) were satisfied that the landlord is doing enough.
- Most of tenants interviewed had no plans to move, 36 respondents said no (75%), while only 5 had plans to move (less than 10%). Only one tenant said he had some plans to upgrade his unit, (23%) of respondents didn't know, while 24 (50%) said they had no plans to do so.
- Most tenants considered the political condition as the main constraint to their future plans (43 Respondents, 80%), financial constraints were also considered to have serious effect (41 Respondents, 85%). Less respondents referred to legal constraints as a serious obstacles (30 Respondents, 62%), and only 21 (44%) considered absence of a municipal council as a serious obstacle to their future plans and their ability to improve or upgrade the property or business.

To simplify the analysis, frequency of maintenance for all respondents (59 out of 60) were summarized, (Table No 19 below). The figures show that more than 57% of buildings inspected had not been maintained for over 10 years according to respondents, and that one third of total respondents never maintained the building/ unit. A worse picture could be concluded from this author's observation, which adds at least another 8 units which had not been maintained for a long time (evidently longer than ten years). This was more evident in buildings where respondents said frequency of maintenance varied which makes the figure more than 71% of the total.

Table (19)
Frequency of maintenance

Maintenance	Frequency	Valid %
Never	20	33.9
Over 10 years	14	23.7
Every 5-10 years	4	6.8
Every 2-5 years	4	6.8
Every year	6	10.2
Varies	11	18.6
Total	59	100

The Survey Components:

The two main components of the hypothesis; the physical condition of the built environment (the dependent variable) and the Israeli administration, defined as obstacles to development, (independent variable), were tested and are analyzed as follows:

(1) The Physical Condition of the Built Environment

Introduction:

The physical condition of buildings, their services and the environment in which they are located was measured according to answers obtained in both parts of the questionnaire. User's views of the condition and problems of both the buildings and the area, which were collected in the first part of the survey are presented in item 1.1 below. The physical survey included questions on the availability and condition of specific items and services in both the building and its immediate environment. A lot of data was collected on the construction materials internally and externally, the occurrence of alterations to buildings and other information. However, during the analysis stage some of the data was not considered to be relevant to the outcome of the research and therefore were not included in the analysis. The results of this part of the survey are presented in item 1.2 below.

It was only necessary to subject the data within the physical survey to the frequency test to enable establishing the availability and condition of the basic facilities in order to evaluate the physical condition of the buildings and their immediate environment. However, to enable a comparison between the seriousness of a certain problem in one zone and another, cross tabulation test was used and the following assessment is based on both tests.

Definitions:

a- Physical Problem

The problems in the physical condition of the building and its immediate surroundings were defined as follows:

i. Physical condition of buildings:

Only five variables were selected for analysis from the original 11 in Question 35. The selection was based on what was considered by users and the author to be the most serious problems in the building, which were;

Pollution: Fumes and smoke affecting the surfaces of the building, the quality of air inside the building (odour from rubbish and fumes from tear gas). An attempt was made to examine the extent of the problem in relation to the location and age of the building.

Dampness: Both externally and internally, affecting floors, walls and ceilings.

Water Penetration: This was defined as water leaking through the building from the roof, a faulty drain or a gap between the wall and any opening or from any other cause.

Building utilities: Availability and quality of utilities within the building such as sanitation, water and power supply etc.

Maintenance: This refers to general condition of the building and level of maintenance kept by owners and tenants.

ii. Physical condition of surrounding area:

Traffic: This refers to traffic immediately affecting the building in terms of noise, pollution etc.

Parking: This refers to parking facilities available for building users and the effect of parking practices on the buildings (blocking entrance, difficult access for users, customers, emergency services).

Street Vendors: Presence of street vendors, although an old tradition in Palestinian towns, got out of control following the Intifada. Their number have dramatically increased since, for reasons that will be analyzed in other chapters. According to most respondents and own observations, they obstructed access to buildings and movement of drivers and pedestrians, and add to the hygiene problem by leaving rubbish in front of buildings and in the streets. Users also complained that they represent cheap competition and take their business away.

Pollution: Refers to quality of air and environment in the area where the building is located. Most common problems discussed were fumes and smoke from gun-fire and tear gas used by the Israeli army, burning of tyres by the Palestinian "Intifada", and the accumulation of rubbish for weeks in the streets and smoke resulting from the burning of rubbish by residents. Fumes from cars and congested traffic were also contributing to the deterioration in the quality of air. There were also complaints of water contamination in reservoirs and as a result of sewage seepage into water pipes affecting both drinking and irrigation water.

Hygiene: Refers to cleanliness level of streets and external facades, rubbish collection facilities and services.

Services: Refers to municipal services in terms of ensuring continuous supply of power, water and other utilities in the area, carrying out emergency repairs and maintenance,

providing emergency facilities such as fire fighting, and regular rubbish collection and cleaning of streets. It also includes road construction and provision of pavements street lighting etc.

Access and Pedestrian Safety: Refers to safety and easiness (directness) of access to and from a particular area for business owners, employees and customers. It also refers to availability of safe areas for pedestrians from traffic, pedestrian crossings and traffic lights etc. neither of which exists in any of the three zones inspected at the time of the survey.

Open Areas: Also includes spaces between buildings and refers to available spaces in the area/street which could be used in the future for public amenities and recreation facilities.

Security: Refers to acts of violence, fighting etc. To compare the intensity of this problem in the three areas and how it affected people living or working in them, respondents were asked about level of violence and military clashes in their street/area.

Law and Order: Refers to vandalism, robbery and burglaries and civil offenses.

Amenities: This includes public parks, hard and soft landscaped areas, public toilets, seating facilities and lighting etc.

b- Views of Building users:

To measure the value of peoples' views of the condition of buildings, their local area, and the city centre. They were asked to evaluate the problem as serious, bad, acceptable, or no problem for each item. The answers were not always consistent, some were unsure whether a problem was serious or just bad. The interviewer asked whether they thought that the problem caused major inconvenience to them, affected business to a great extent, was getting worse

and/or could cause other problems. It was also evaluated on the basis of whether they believed it should be treated as a matter of priority, if there was the possibility, the funds, the technical expertise to improve the situation. A brief definition of each value was given to respondents such as:

Serious: Unbearable problem, causing great trouble to business and building/unit users and possibly obstructing work or daily life, the problem had worsened over a period of time and could get worse if not tackled, may create or lead to other problems and was considered a priority for immediate attention.

Bad : A problem recognized by the respondent, in spite of causing inconvenience, it did not greatly affect business/daily life. Although respondents said they wanted the problem resolved, he/she did not consider it a priority.

Acceptable : This value was given when the respondent notes the problem but did not feel that it was affecting his business/life directly. Although he/she would prefer it be solved but can still live with it compared to other problems.

No problem : Respondent had no problem with this particular item.

Although most respondents had clear ideas and strong views with regard to certain problems, some hesitated between serious and bad on certain items and frequently changed their mind between the two. This proved to be time consuming, as respondents might not have had the time to read the questions and consider their answers on their own. However, the fact that the questionnaire was administered by the author had the advantage of being able to explain and clarify their queries and ensure better understanding and more reliable answers.

1.1 Social Survey results:

Methods used to analyse data are described in Chapter III, Section 5 above.

a) Frequency test:

i. Users evaluation of building condition

1. General satisfaction: The majority of respondents were dissatisfied with the physical condition of the building and stated that they had serious problems (76.7%)

2. Access: Most respondents considered that traffic and access to buildings to be a problem. (77% of respondents of which 50% said that the traffic was a serious problem and 27% bad, while 41% thought access to building was a serious problem and 35% thought it was bad).

3. Water penetration-dampness: considered to be main problems by the majority of respondents (71.7% in both cases, of which 51.7% said water penetration was serious and 56.7% said dampness was a serious problem).

4. Utilities: The availability and the standard of utilities also caused concern (73% of respondents considered it a problem, while 50% of the total, thought it was serious). The level of maintenance and overall evaluation of the physical condition of the buildings were also causing concern to the majority of those interviewed (66.7%). Pollution was also causing worry to many respondents (57%), while less people considered they had a problem with noise (36.7%), drafts (32.2%), ventilation (15%), and less than 5% thought they had a problem with natural light in the building.

ii. Users views on condition of surrounding area

The second category investigated was the immediate environment where the building is located to establish peoples views on whether there were serious problems in their street/area, the type of problems they considered to be serious or bad and needed urgent attention.

1. General satisfaction: The vast majority of respondents stated that they had serious problems in their area. Only one respondent was satisfied with the area, and another did not respond, while 58 (96.7%) considered the general conditions in the area as serious. The majority of respondents considered eleven out of the twelve variables, selected to measure the satisfaction with the area, to be problems in the three zones. All respondents cited fighting, violence and the military conditions as the most serious problem they faced which affected their lives and businesses.

2. Maintenance: the highest proportion of the respondents complained of the level of maintenance in the area and its general physical condition, 96% thought it was a problem, 82.8% (48 respondents) considered it a serious problem and 13.8% (8 resp.) considered it bad.

3. Traffic and parking: both were considered by respondents to be serious problems. Traffic was considered a problem by 93.3% of the respondents (75% serious and 18.3% bad), while 86.7% stated that parking was one of the main problems the area suffers from (66.7% serious and 20% bad).

4. Pollution: was considered by a high percentage of respondents pollution, together with hygiene, in their area to be serious problems. With 95% complaining of the lack of hygiene and cleanliness (61.7% serious and 33.3% bad), while 88.1% complained of the level of pollution (49.2% serious and 39% bad). None of the respondents said they did not consider them to be problems.

5. Access: access to the area, street vendors and pedestrian safety were also considered to be main problems in the area although less people felt they were as serious as others. Access was judged by 88.3% of respondents as a problem (40% serious and 48.3% bad), 78% complained of street vendors (55.9% serious, and 22.1% bad), and 72% of the safety of pedestrians (8.5% serious and 64% bad).

6. Amenities and services: the availability and condition of amenities and services in the area were also considered as problems, although less respondents thought they were serious. Amenities were cited by 87.9% of respondents (31% serious and 56.9% bad), and services by 80% (35% serious and 45% bad).

iii) Problems with the city centre:

1. General: almost all respondents considered that they had serious problems in the city centre (98.3%), with only one respondent declining to comment. There was a higher percentage of respondents considering problems in the centre as a whole were worse than the problems in their immediate localities.

2. Traffic: was considered a serious problem by 98.2% of all respondents, while the same proportion considered they had a problem with parking facilities and practices of which 91.2% judging it as serious and 7% as bad.

3. Pollution and hygiene: all respondents considered they had a problem with hygiene conditions in the centre (66.1% serious and 33.9% bad). Pollution was also considered a problem by 94% of respondents (61 %serious and 33.3% bad).

4. Street vendors: all respondents cited the presence of street vendors in the city centre as a problem (86% serious and 14% bad). While 86% cited access to various parts of the centre, half of the respondents thought it serious and the other half thought it was a bad problem. Pedestrian safety in the centre was mentioned by 79.3% of respondents as a problem, although most of them 63.8% considered it serious and only 15.5% considered it bad.

5. General condition and maintenance: the general physical condition and level of maintenance in the city centre was considered a problem by 98% of respondents. The fact that less people thought it to be serious than

in their own areas (59.6% as opposed to 82.8%) may be due to the fact that people either expect or consider other areas in better condition than theirs, or that certain things do not directly affect them. Although more people complained of the level and condition of services in the city centre to that in their immediate areas (94.8% of which 39.7% thought it serious and 55.2% bad).

Less people seemed to think that the level of maintenance and the general condition of the city centre was a problem compared to their response to the same question in their own area (71.5% as opposed to 87.9%). Of this percentage also less people thought it as serious in the centre as in their own areas (16.1% against 31% serious and 55.4% against 56.9% bad). Again this might reflect that people were less concerned with these issues in the centre as whole as compared to having these facilities closer to them. It could also be explained by the fact that they considered other problems as more serious and should be treated as a priority in the centre.

6. Views on restoration: although 96.5% of respondent judged the lack of protection and restoration of historic buildings and monuments as a problem, only 35% thought it was serious and should be considered as a priority for development, while 61% rated it as a bad problem.

b- Cross-tabulation test:

This test was carried out, as mentioned in Chapter III, to examine a combination of variables (a pair or more), and whether some sort of statistical relationship could be established that could lead to more understanding of the phenomenon.

i. Problems with buildings

The cross tabulation method provided a comparison between various problems with buildings in relation to their age or to the area where they are located. Five variables were selected as they were considered most serious by the majority of respondents.

1. Pollution :

It is evident that users of buildings in Zone "C", the new area, suffered from more pollution than the other two zones with Zone "A" the historic core having the least problem. As 78.6% of Zone "C" users said pollution was a problem (35.7% serious and 42.9% bad). The majority of Zone "B" users (60%) said they had a problem of whom, more than half (32%) said it was serious. Only 40% of the old city users complained of pollution affecting the physical condition of the building, of those 15% only thought it was serious.

Similar results emerged from measuring the extent of the problem in relation to the building age. The highest proportion of people complaining of pollution were 87.5% of the users of buildings constructed after the occupation (37.5% serious and 50% bad), second was those built during the Jordanian rule (65%) of which 30% said it was serious, and 50% of users in buildings built under the British Mandate said they had a pollution problem, again 30% said it was serious. The least affected were users of the historic buildings as only 42.8% identified it as a problem with only 19% considered it to be serious.

2. Dampness :

Most buildings in the old city Zone "A" were suffering from some form of dampness with at least 76.2% of users considering it a serious problem. Zone "C" or the new area also had an extensive dampness problem, as 71.4% of respondents said it was a problem with 64.3% considered it serious. Although more than half of buildings/units in the second sample area Zone "B" said they had a dampness problem (56%), the problem seem to be less severe then the other two areas as only 36% considered it to be serious.

When the same measure was applied to examine the extent of the problem in relation to building age, the historic buildings (21 out of the 22 are in the historic core)

maintained the same proportion of 90.9% , with 77.3% considering the problem serious or severe. The next three categories were distributed between zone "B" & "C", therefore some of the proportions changed. A similar proportion existed between the frequency of the problem in buildings of the Jordanian rule 65%, (45% serious and 20% bad) and the British Mandate 60%, (40% serious and 20% bad). While 50% of the those built under the occupation had a dampness problem, all serious.

3. Water penetration:

The extent of the water penetration problem and the area where it was most severe, can be clearly corroborated with the problem of dampness. Buildings located in Zone "A", the historic core, seemed the worst affected as 85.7% identified it as a problem (66.7% as serious). The new area Zone "C" was also badly affected as a total of 78.6% saying it was a problem (64.3% serious, and 14.3% bad). Zone "B" again seemed to be the least affected, although 56% said it was a problem (32% serious and 24% bad).

The same results emerged when the problem was related to building age, as 86.2% of the users of historic buildings said it was a problem (68.2% serious). A similar proportion to that of dampness was present in those built under Jordanian rule (65%) and under British Mandate (60%), with the percentage of the new buildings slightly higher at 67% (50% serious).

4. Building utilities :

There seemed to be a same proportion of users in the three zones who identified this as a problem. With 76.2% in Zone "A" (42.9% serious), and 72% in Zone "B" (48% serious), while the new area, Zone "C" at 71.4%, although higher proportion 64.3% considering it serious.

A similar result emerged from examining the effect of the building age on the satisfaction with utilities. In historic buildings, 77.3% of respondents identified it as a problem, 80% in the buildings of the British Mandate

period, 70% in those built under the Jordanian rule and 62.5% in the most recently built area (post 1967).

5. Maintenance :

Users in Zone "C" were more concerned than the others with regard to the general condition of the buildings and the extent and level to which it was maintained, as 78.6% said they had a problem, of which 64.3% thought it was serious.

The majority of users in Zone "B" 68% also said they had a problem (36 serious and 32 bad). Over half of the respondents in "Zone A" (68.1%), of which 33.3% considered it serious. Although this indicates that users in "Zone A" were less concerned about condition and maintenance level of the building/unit they were using, difference may not all be a result of better condition. Part of the reason for the difference between response in this zone and in others could be related to the fact that people expected less in the old city because buildings are very old. When maintenance was measured in relation to building age, users of old buildings were also less concerned than others, (59.1%) said they had problems, of which 31.8% considered it serious. Users of buildings built under Jordanian rule (75%), said they had problems of which 45% said it was serious.

A similar proportion (70%) in units built under the British Mandate had problems, with more of them, 60% considering it serious. Five users out of the eight (62.5%) interviewed in buildings constructed after the occupation had problems, 37.5% considered it to be serious.

ii. Problems with surrounding area :

The cross tabulation method provided also a comparison between the extent of problems in the area where the building is located as identified by building users.

1. Traffic :

Although more users in Zone "B" (96%) complained of traffic (96%), it was evident that a high proportion of users in

all zones considered it a problem (93.2% in Zone "C", 90.5% in Zone "A"). A higher proportion in Zone B" said it was serious (84%), while 78.6% in Zone "C". Less people in Zone "A" considered it serious (61.9%).

2. Parking :

All users in Zone "B" said they had problems in parking practices and available facilities, of which 88% said it was a serious problem, while 92.9% in Zone "C" considered parking a problem with 64.3% serious. Although parking facilities were not expected in the old city, more than half the respondents (65.7%) complained of parking in the old city, with 42.9% considering it to be serious.

The same proportion can be found in the results when it is measured related to the building age, as all respondents using buildings constructed in both the British and Jordanian rules said it was a problem, 90% in both categories said it was serious. The vast majority of users of new buildings also had parking problems 87.5%, of which 37.5% said it was serious.

3. Street vendors:

The majority of respondents in the three zones complained of the presence of street vendors as a main problem, 88% in Zone "B", the majority 76% stating it was serious, 71% in Zone "C" of which 57% said it was serious, while 70% in Zone "A" considered it a problem with only 30% saying it was serious. A similar picture emerged when the problem was measured against building age, with all users of buildings constructed during the British Mandate considering it a problem (80% serious). It was observed that less street vendors sell their merchandise in Zone "C", which was confirmed by the decrease in the proportion of users in the new area who considered it a problem while half of the population thought it serious.

4. Pollution:

Residents of the new area, Zone "C", seemed to be greatly concerned about pollution in their area as all respondents identified it as a problem, with 78.6% stating it was a severe problem. This was confirmed by observation of accumulating rubbish in large empty sites and in excavated construction sites, with residents complaining of rats, mice and various insects. Although this area was less affected by fighting and traffic, it had the least developed streets and services.

Pollution in Zone "B" was also causing concern to building users, as 92% described it as a problem, 52% saying it was serious. Most of the pollution according to respondents and observation notes was a result of fighting, fires, traffic congestion in the main square and on main roads (Ghernata and the Commercial street) and deterioration in services i.e. inability to collect the accumulated rubbish regularly, which was exasperated by street vendors.

Blocked drains, burst pipes and open sewers were also cited as environmental hazards by respondents, observation and supported by interviews with officials. The majority of users in Zone "A" were also concerned about the level of pollution 75% of respondents, although less proportion considered the problem serious compared to other areas (25%). A similar picture emerged when the problem was measured against age of the building, with all users of new buildings and 90% of medium age buildings complaining of the problem. Only 67.8% of historic building users considered it a problem with only 20% saying it was serious.

5. Hygiene :

The same pattern emerged from the data as that of pollution, with 100% of respondents in the new area, Zone "C", stating it was a problem, the majority 78.6% considered it serious. Almost all users in Zone "B" were also concerned (98%), of which 64% saying it is serious.

In the historic core hygiene was also a major problem according to 90.5% of respondents, with 47.6% considering it as serious. No significant difference was noted when this variable was measured against building age.

6. Services :

All respondents in Zone "C" were dissatisfied with service provision, with 57.1% describing the problem as serious. In Zone "B", 84% complained of services with 28% only saying it was serious. In Zone "A", 61.9 were unhappy with services and 28% considered the problem serious.

A similar pattern emerged when this was measured against building age, as less users were dissatisfied 63% in Zone "A" than in other areas. All users of new buildings identified it as problem compared to 90% in British Mandate built properties and 85% in Jordanian built properties.

7. Access and Pedestrian Safety:

Most users of Zone "B" considered access to their area as a problem (92%), of which more than half said it was serious (52%), the same proportion emerged in Zone "C" as 92.6% said this was a problem, with fewer users considering it serious (14.3%). A high proportion of users in Zone "A" have also complained of difficulty of access to the historic core (81%), more than half of these said it was serious (42.9%).

The majority of respondents in the three zones were concerned about pedestrian safety (84% in Zone "B", 70% in Zone "A" and 57% in Zone "C"). However no one in the new area "C" considered it to be serious and only 10%, in the old city "A" and 12% in the middle area "B" thought it was serious.

8. Open Areas:

Most people were not concerned with this issue with only 6.8% of the total number of respondents considering it a serious problem and 52.5% said it was bad. None of the respondents in the new area Zone "C" thought it a serious

problem while 50% said it was bad. Less people were concerned in Zone "A" as 40% agreed it was a problem with only 10% of respondents who said it was serious. Although 72% of users in Zone "B" considered this a bad problem, only 8% of them thought it serious.

9. Security:

All respondents in all zones said it was a severe problem.

10. Law and Order :

The response to this problem was very high with all respondents in Zone "C" complaining of increased incidence of crime, of which 92.9% said it was serious. A high proportion of respondents in the other two zones considered it a problem, as 96% in Zone "B", of which 76% said it was serious, and 94.4% in Zone "A" with 84.2% considering it as serious.

11. Amenities:

Although a high proportion of respondents stated that the lack of amenities or maintenance of the existing facilities was a problem, the response varies from area to area. In Zone "C", 92.3% of respondents said this was a problem with 64.3% considering it serious, while only 36.8% of respondents in Zone "A" said it was a serious problem out of 89.4% of the total who considered it a problem.

The middle area Zone "B" is where the main city square is located which was landscaped between 1986 and 1987. In spite of the serious damage resulting from intensive fighting in the centre since the Intifada, and lack of maintenance since the council resigned in 1988, some landscape, planting and fountains survived, albeit in bad condition. Most of the street lights were broken and the only bus stop in the main square, was severely war damaged. Consequently less respondents in this Zone, only 8%, said lack of amenities was a serious problem, although 76% considered it bad.

1.2 The Physical survey results

A) Buildings :

Internal :

- Most of the units (72.8%) either had a sink or a wash basin and some had both, while 27.2% did not have any. It was found that 29 units out of the 58 answers available (50%) had a wash basin, while 30 (51.7%) had and/or a sink. Most of the twelve units that had both were residential.
- Less than half the units had internal toilet facilities (48.3%) although most of those without the facilities (76%) had access to others mainly at neighbours premises since public toilets were almost non-existent in the centre.
- There was evidence of both dampness and water penetration in many of the units. Most of the units, fifty one out of sixty (85%) suffered from some form of dampness. Thirty four of these units (56.7%) had severe dampness problems, while nine (15%) had less severe but could still be considered bad dampness problem. Evidence of water penetration through windows, drains or roof leaks was more or less similar. With 85% of units suffering from water penetration, of which 51% were severe cases and 20% bad.
- Other problems such as noise were causing concern in 36.7% of the units (23% serious and 13.7% bad), and draft in 32.2% of the units of which only 10.2% constituting a serious or worrying problem. Ventilation and light in units do not seem to be a major problem in most of the units with only 15% found to be suffering from ventilation problem (3.3% serious). There seemed to be reasonable natural light in most of the units inspected (95%).

External :

Roofs: The type of roof construction and finish were included in the assessment of the external physical condition of the buildings. Although it was difficult, for, security reasons to inspect the roof condition from the top, respondents were asked about the availability of roof protection or any form of damp proofing.

Most of the buildings inspected (forty out of sixty or 66.6%), either did not have any protection, or the original protection layer (mainly special gypsum mixture or animal grease in old buildings) was damaged (53.3% unavailable and 15% damaged), while in eleven cases (18.3%) the respondents did not know the answer and it was unsafe to inspect at the time of the survey. In conclusion, only 15% of the buildings inspected had available roof protection, although it was not clear how well it was applied and maintained.

Access: Building access was viewed as a problem by 76.7% respondents of which 50% said it was a serious problem as was detailed above. Access from the building/unit to open areas was considered reasonable in 23 (53%) of the units, all buildings (35%) had difficulty and in five cases (11.6%) access was considered dangerous, while 16 shared access and were, for the purpose of this analysis, excluded.

Emergency access: (for fire or ambulance services) was available in 55.7% of the units, while 42.3% had no facilities.

Loading and unloading: facilities were only available in 31.1% of the cases, although most of those who answered yes, were using any available space on the main road which usually added to the traffic problems.

B) Services :

Water:

Forty five (75%) of the sixty inspected units had water connection. Of these only six had hot water (10% of the total).

Electricity:

While the vast majority of buildings inspected were connected to the electricity network (96.3%), only 56.75 of them were satisfied with the connection. All those connected experience power cuts, 28.3% daily, 30% twice a week, 11.7% once a week, 8.3% once a month. Most of those who said it varied, confirmed that sometimes it was frequent. According to the majority of respondents (63.3%), the power cut lasted for over four hours at a time, while 5% said it lasted over six hours and 6.7% said it lasted over two hours. Again 16.7% of respondents said it varied. Almost two thirds (60%) of respondents complained that power cuts affected their business, half of them (30%) stated that power cuts always affected their business, while the other half said they affected it sometimes, 16.7% said it rarely affected the business and 18.3% had no problem while 3.3% did not know.

Most of the electrical wiring in units inspected was either covered or partly covered in 38 cases (64.4%), while the rest of the 21 cases (35.6%) had exposed wiring. Only in 13 cases was the wiring inside the unit tangled and in bad condition, of which seven cases looked very dangerous.

Heating:

The majority of units (57.6%) had some form of heating facility mainly mobile gas or electric fire, open coal-stoves were mostly used in the old buildings, and there was only one unit which had central heating installed by the tenant (photography lab). The rest of the units (42.4%) had no means of heating their units. Only a small minority said they had excellent heating facilities (6.9%), while the

majority 55.2% were satisfied with the heating and 29.3% considered it unsatisfactory while 5.2% said it was bad.

Drainage:

Most buildings were connected to main drains (96.7%), although less than half respondents were clearly satisfied with the service (48.3%), a small proportion said they were not satisfied (15%) while the rest (35 %) did not know.

Telephone:

Two thirds of the units inspected had a telephone line (66.6%)

C) Environmental conditions:

To evaluate the condition of the environment where each of the inspected units was located, a number of questions were asked in the physical survey with regard to available amenities and services. This was combined with respondents answers to questions about the problems in their area to complete the evaluation.

Open spaces:

More than half the units inspected had no green/public areas close to the building (58.3%), the spaces available to most of the rest (40%) were in bad condition. There were no, or only narrow, spaces left between buildings (98.3%), 73.3% with no space and 25% with only narrow space. This was examined to give a rough indication of the density of the built area in each zone and the possibility of providing some kind of public amenity such as a small playground or seating area in the future.

Parking:

Except in one case, there were no parking facilities for any of the buildings or units inspected, which supports the result of the social survey, where 86.7% of the respondents complained of the parking problems.

Pedestrian circulation:

It was difficult to determine the portion of pavement in front of a building that could be related to a certain unit, the figures obtained therefore relate to the number of units that enjoyed a pavement in front of the building. Over half of the units had a wide pavement (52.3%), while 36.7% had no pavement and 9.8% had narrow pavements. It should be noted that it is unusual to find pavements in the old part of the city. Where pavements were found, their condition was inspected to determine their fitness for use. Less than half the pavements inspected were in good condition (44.4%), the majority had damaged finishes (55.6%).

Amenities:

There were no available public toilets, seating or rubbish bins in any of the zones inspected.

Landscape:

There was also very little landscape in the three areas, although the main square had planting and hard landscaping, which was provided in 1986, these were neglected during the Intifada. Only 9.8% of the units inspected enjoyed landscaping facilities albeit badly maintained. A total of 87.9% of respondents considered the lack of these amenities in their immediate environment as a problem (31% serious and 56.9% bad).

Environmental problems:

Hygiene, traffic, pollution and parking were some of the main environmental concerns of the residents (95%, 93.3%, 88.1% and 86.7% respectively).

(2) Obstacles to Development

This evaluation of peoples views on what constituted an obstacle to development is a summary of the results of the frequency test based on data obtained from the completed questionnaires. As described above, the obstacles were grouped into three categories; political including five variables, legal including four variables and financial including four variables¹ .

2.1 Political Obstacles:

Violence, fighting: all respondents stated that violence, fighting and military clashes had very serious effect on the development of Nablus. With only one respondent judging it as bad (1.6% against 98.2%).

Curfews, selective area closures, etc.: all respondents considered that curfews and long (partial or full) closures of the city centre to have had a serious effect (89.7% serious and 10.3% bad).

Uncertainty: all respondents referred to the uncertainty of the political future of the territories and their own personal future as an obstacle to development and the chance to improve the physical condition of the city centre (93% serious and 7% bad).

Demolition, sealing of property, etc.: demolition of houses, sealing of property related to political issues, and confiscation of land was considered to have had serious effect on development by 67.2% of respondents, while 31% of them considered it had a bad effect and 1.7% a small effect.

Law and order: all respondents agreed that the increase in the level of crime such as burglaries and vandalism due to breakdown in law and order in the city had affected the development prospects and peoples willingness to improve

¹ For the summary results refer to Chapter VIII, Tables 1 & 2.

their property. Of these, 74% thought this had a serious effect, 22.4%, a bad effect and 3.4% a small effect.,

2.2 Legal Obstacles:

Municipal council: the absence of mayor and a municipal council in Nablus was believed, by 94.8% of the respondents, to have contributed to the inability to develop the city and to improve its physical environment. Of these, 72.4% considered it to have had a serious effect, 22.4% bad effect, while only 3.4% thought the absence of the council had a small effect on development.

Rent control: Rent control had also contributed to the lack of development according to 87% of the respondents, 59.6% considered it had a serious effect, 28.1% a bad effect and 8.8% a small effect.

Security of tenure: ownership status and security of tenure was also believed to have had an effect on the development prospects in the city by 86.4% of respondents, (34.5% serious effect, 45.5% bad effect and 16.4% a small effect).

Planning laws: although the majority of respondents (68.4%) stated that planning laws had affected the development in the city, only 20% believed it had a serious effect, 48% a bad effect and 20% said it had a small effect.

2.3 Financial Obstacles:

Taxes: High taxes and the method in which it was collected was one of the most frequently mentioned problems by all those interviewed. It was a major complaint as soon as the purpose of the study was explained and before the questions were asked. All respondents stated that high taxes had affected the development of the city with 96.4% describing its effect as serious and 3.6% as bad.

Closure of banks: all respondents believed that the closure of the Arab banks and the restricted services available from the only recently opened bank had contributed to the current situation in the city. More than half of them 58.5%

thought it had a serious effect and 41.5% said it had a bad effect.

Lack of investment: all respondents also considered that the lack of investment from the local residents as a result of the prevailing conditions, and from outside the territory as a result of the Israeli restrictions on receiving funds, have affected the development in the city. Of these 45.3% considered it had a serious effect and 54.7% a bad effect.

Lack of financial institutions: lack of financial institutions (public and private), was also considered by the vast majority to be an obstacle to development by most respondents (96.2% of whom 46.2% said it had a serious effect and 50% a bad effect).

Summary:

The highest proportion of respondents referred to the political issues as creating the most serious obstacles to development. This is only relative as values of other variables such as legal and financial were also very high, with the exception of tax which ranked as high as the political problems.

Cross Tabulation Results:

I- Evaluation of Problems in buildings according to zone:

Table (20)

Pollution/Zone

		(ZONE)			
Count		"A"	"B"	"C"	Row
Row Col%		Old	Medium	New	Total
Total%					
Serious	No	3	8	5	16
	%	18.8	50.0	31.3	27.1
	%	15.0	32.0	35.7	
	%	5.1	13.6	8.5	
Bad	No	5	7	6	18
	%	27.8	38.9	33.3	30.5
	%	25.0	28.0	42.9	
	%	8.5	11.9	10.2	
Accept.	No	8	8	1	17
	%	47.1	47.1	5.9	28.8
	%	40.0	32.0	7.1	
	%	13.6	13.6	1.7	
No Problem	No	4	2	2	2
	%	50.0	25.0	25.0	13.6
	%	20.0	8.0	8.0	
	%	6.8	3.4	3.4	
Total/col.		20	25	14	59
		%	33.9	42.4	23.7
					100.0

Table (21)

Dampness/Zone

(ZONE)

Count Row% Col% Tot%					Row Total
	"A" Old	"B" Medium	"C" New		
Serious	No	16	9	9	34
	%	47.1	26.5	26.5	56.7
	%	76.2	36.0	64.3	
	%	26.7	15.0	15.0	
Bad	No	3	5	1	9
	%	33.3	55.6	11.1	15.0
	%	14.3	20.0	7.1	
	%	5.0	8.3	1.7	
Accept	No	1	5	2	8
	%	12.5	62.5	25.0	13.3
	%	4.8	20.0	14.3	
	%	1.7	8.3	3.3	
No Problem	No	1	6	2	9
	%	11.1	66.7	22.2	15.0
	%	4.8	24.0	14.3	
	%	1.7	10.0	3.3	
Col Total	No	21	25	14	60
	%	35.0	41.7	23.3	100.0

Table (22)
Water Penetration/Zone
(ZONE)

Count Row% Col% Tot%				"A" Old	"B" Medium	"C" New	Row Total
Serious	No	14	w	8	9		31
	%	45.2		25.8	29.0		51.7
	%	66.7		32.0	64.3		
	%	23.3		13.3	15.0		
Bad	No	4		6	2		12
	%	33.3		50.0	16.7		20.0
	%	19.0		24.0	14.3		
	%	6.7		10.0	3.3		
Accept.	No	2		5	1		8
	%	25.0		62.5	12.5		13.3
	%	9.5		20.0	7.1		
	%	3.3		8.3	1.7		
No Problem	No	1		6	2		9
	%	11.1		66.7	22.2		15.0
	%	4.8		24.0	14.3		
	%	1.7		10.0	3.3		
Column Total	No	21		25	14		60
	%	35.0		41.7	23.3		100.0

Table (23)

Building Utilities Provision/Zone

(ZONE)

Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	9 30.0 42.9 15.0	12 40.0 w.0 20.0	9 30.0 64.3 15.0	30 50.0
Bad	7 50.0 33.3 11.7	6 42.9 24.0 10.0	1 7.1 7.1 1.7	14 23.3
Accept	3 21.4 14.3 5.0	7 50.0 28.0 11.7	4 28.6 28.6 6.7	14 23.3
No Problem	2 100.0 9.5 3.3	0 0 0 0	0 0 0 0	2 3.3
Col Total	21 35.0	25 41.7	14 23.3	60 100.0

Table (24)

Level of Building Maintenance/Zone

Count Row% Col% Tot%	(ZONE)			Row Total
	"A" Old	"B" Medium	"C" New	
Serious	7 28.0 33.3 11.7	9 36.0 36.0 15.0	9 36.0 64.3 15.0	25 41.7
Bad	5 33.3 23.8 8.3	8 53.3 32.0 13.3	2 13.3 3.3 3.3	15 25.0
Accept	7 43.8 33.3 11.7	7 43.8 28.0 11.7	2 12.5 14.3 3.3	16 26.7
No Problem	2 50.0 9.5 3.3	1 25.0 4.0 1.7	1 25.0 7.1 1.7	4 6.7
Column Total	21 35.0	25 41.7	14 23.3	60 100.0

II- Evaluation of Problems in Each Zone:

Table (25)

Traffic/Zone

(ZONE)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	13 28.9 61.9 21.7	21 46.7 84.0 35.0	11 24.4 78.6 18.3	45 75.0
Bad	6 54.5 28.6 10.0	3 27.3 12.0 5.0	2 18.2 14.3 3.3	11 18.3
Accept.	2 50.0 9.5 3.3	1 25.0 4.0 1.7	1 25.0 7.1 1.7	4 6.7
No Problem	0	0	0	0
Column Total	21 35.0	25 41.7	14 23.3	60 100

Summary: *(based on serious and bad evaluation)*

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	61.9	28.6	90.5	(3)
Zone "B"	84.0	12.0	96.0	(1)
Zone "C"	78.6	14.3	92.9	(2)

Table (26)

Parking/Zone

(ZONE)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	9 22.5 42.9 15.0	22 55.0 88.0 36.0	9 22.5 64.3 15.0	40 66.7
Bad	5 41.7 23.8 8.3	3 25.0 12.0 5.0	4 33.3 28.6 6.7	12 20.0
Accept	3 75.0 14.3 5.0	0 0 0 0	1 25.0 7.1 1.7	4 6.7
No Problem	4 100.0 19.0 6.7	0 0 0 0	0 0 0 0	4 6.7
Column Total	21 35.0	25 41.7	14 23.3	60

Summary: (Based on serious and bad evaluation)

	Serious	Bad	Total (%)
Zone "A"	42.9	23.8	66.7 (3)
Zone "B"	88.0	12.0	100.0 (1)
Zone "C"	64.3	28.6	92.9 (2)

Table (27)
Street Vendors

(ZONE)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	6 18.2 30.0 10.2	19 57.6 76.0 32.2	8 24.2 57.1 13.6	33 55.9
Bad	8 61.5 40.0 13.6	3 23.1 12.0 5.1	2 15.4 14.3 3.4	13 22.0
Accept	4 40.0 20.0 6.8	2 20.0 12.0 3.4	4 40.0 14.3 6.8	10 16.9
No Problem	2 66.7 10.0 3.4	1 33.3 4.0 1.7	0 0 0 0	3 5.1
Column Total	20 33.9	25 42.4	14 23.7	59 100.0

Summary :

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	30.0	40.0	70.0	(3)
Zone "B"	76.0	12.0	88.0	(1)
Zone "C"	57.1	14.3	71.4	(2)

Table (28)
Pollution/Zone

(ZONE)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	5 17.2 25.0 8.5	13 44.8 52.0 22.0	11 37.9 78.6 18.6	29 49.2
Bad	10 43.5 50.0 16.9	10 43.5 40.0 16.9	3 13.0 21.4 5.1	23 39.0
Accept	5 71.4 50.0 8.5	2 28.6 8.0 3.4	0 0 0 0	7 11.9
Column Total	20 33.9	25 42.4	14 23.7	59 100.0

Summary:

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	25.0	50	75	(3)
Zone "B"	52.0	40.0	92.0	(2)
Zone "C"	78.6	21.4	100.0	(1)

Table (29)
Hygiene/Zone

Count Row% Col% Tot%	(Zone)			Row Total
	"A" Old	"B" Medium	"C" New	
Serious	10 27.0 47.6 16.7	16 43.2 64.0 26.7	11 29.7 78.6 18.3	37 61.7
Bad	9 45.0 42.9 15.0	8 40.0 32.0 13.3	3 15.0 21.4 5.0	20 33.3
Accept	2 66.7 9.5 3.3	1 33.3 4.0 1.7	0 0 0 0	3 5.0
No Problem	0	0	0	0
Column Total	20 35.0	25 41.7	14 23.3	60 100.0

Summary: *(based on serious and bad evaluation)*

	Serious	Bad	Total (%)	Worst Zone
Zone "A" :	47.6% +	42.9% =	90.9%	(3)
Zone "B" :	64.5% +	32.0% =	98.0%	(2)
Zone "C" :	78.6% +	21.4% =	100.0%	(1)

Table (30)
Service Provision/Zone

(Zone)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	6 28.6 28.6 10.0	7 33.3 28.0 11.7	8 38.1 57.1 13.3	21 35.0
Bad	7 25.9 33.3 11.7	14 51.9 56.0 23.3	6 22.2 42.9 10.0	27 45.0
Accept	8 66.7 38.1 13.3	4 33.3 16.0 6.7	0 0 0 0	12 20.0
Column Total	21 35.0	25 41.7	14 23.3	60 100.0

Summary:

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	28.6	33.3	61.9	(3)
Zone "B"	28.0	56.0	84.0	(2)
Zone "C"	57.1	42.9	100.0	(1)

Table (31)
Pedestrian Safety

(Zone)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	2 40.0 10.0 3.4	3 60.0 12.0 5.1	0 0 0 0	5 8.5
Bad	12 31.6 60.0 20.3	18 47.4 72.0 30.5	8 21.1 57.1 13.6	38 64.4
Accept	5 35.7 25.0 8.5	4 28.6 16.0 6.8	5 35.7 35.0 8.5	14 23.7
No Problem	1 50.0 5.0 1.7	0 0 0 0	1 50.0 7.1 1.7	2 3.4
Column Total	20 33.9	25 42.4	14 23.7	59 100.0

Summary:

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	10.0	60.0	70.0	(2)
Zone "B"	12.0	72.0	84.0	(1)
Zone "C"	0	57.1	57.1	(3)

Table (32)
Access to Area/Zone

(Zone)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	9 37.5 42.9 15.0	13 54.2 52.0 21.7	2 8.3 14.3 3.3	24 40.0
Bad	8 27.6 38.1 13.3	10 34.5 40.0 16.7	11 37.9 78.6 18.3	29 48.3
Accept	2 40.0 9.5 3.3	2 40.0 8.0 3.3	1 20.0 7.1 1.7	5 8.3
No Problem	2 100.0 9.5 3.3	0	0	2 3.3
Column Total	21 35.0	25 41.7	14 23.3	60 100.0

Summary:

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	42.9	38.1	81.0	(3)
Zone "B"	52.0	40.0	92.0	(1)*
Zone "C"	14.3	78.6	92.6	(2)

* Zone "B" considered worst as a much higher percentage of respondents considered access a serious problem.

Table (33)
Open Spaces

(Zone)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	2 50.0 8.0	2 50.0 3.4	0 10.0 3.4	4 6.8
Bad	6 19.4 30.0 10.2	18 58.1 72.0 30.5	7 22.6 50.0 11.9	31 52.5
Accept	10 47.6 50.0 16.9	4 19.0 16.0 6.8	7 33.3 50.0 11.9	21 35.6
No Problem	2 66.7 10.0 3.4	1 33.3 4.0 1.7	0	3 5.1
Column Total	20 33.9	25 42.4	14 23.7	59 100.0

Summary:

	Serious	Bad	Total(%)	Worst Zone
Zone "A"	10.0	30.0	40.0	(3)
Zone "B"	8.0	72.0	80.0	(1)
Zone "C"	0	50.0	50.0	(2)

Table (34)
Security/Zone

(Zone)				Row Total
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	
Serious	19 32.8 100.0 32.8	25 43.1 100.0 43.1	14 24.1 100.0 24.1	58 100.0
Column Total	19 32.8	25 43.1	14 24.1	58 100.0

Summary: All respondents, in all three zones, who answered the question considered this problem to be serious in their area.

Table (35)
General Maintenance Level/Zone

(Zone)				Row Total
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	
Serious	16 33.3 84.2 27.6	19 39.6 76.0 32.8	13 27.1 92.9 22.4	48 82.8
Bad	2 25.0 10.5 3.4	5 62.5 20.0 8.6	1 12.5 7.1 1.7	8 13.8
Accept	1 50.0 5.3 1.7	1 50.0 4.0 1.7	0	2 3.4
Column Total	19 32.8	25 43.1	14 24.1	58 100.0

Summary:

	Serious	Bad	Total (%)	Worst Zone
Zone "A"	84.2	10.5	94.9	(3)
Zone "B"	76.0	20.1	96.0	(2)
Zone "C"	92.9	7.1	100.0	(1)

Table (36)
Amenities/Zone

(Zone)				
Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Serious	7 38.9 36.8 12.1	2 11.1 8.0 3.4	9 50.0 64.3 15.5	18 31%
Bad	10 30.3 52.6 17.2	19 57.6 76.0 32.8	4 12.1 28.6 6.9	33 56.9
Accept	2 28.6 10.5 3.4	4 57.1 16.0 6.9	1 14.3 7.1 1.7	7 12.1
Column Total	19 32.8	25 43.1	14 24.1	58 100.0

Summary:

	Serious	Bad	Total (%)	Worst Area
Zone "A"	36.8	52.6	89.4	(2)
Zone "B"	8.0	76.0	84.0	(3)
Zone "C"	64.0	28.6	92.3	(1)

Table (37)

Problem evaluation and comparison between the three zones

Evaluation: (%) Based on "Serious" and "Bad" evaluation
 (Gr) Grading based on area with worst problem

(Problem)

Zone		Traffi	Parkin	street Vendor	Pollut-ion	Hygein	Service
"A"	%	90.5	66.7	70	75	100	61.9
	Gr	(3)	(3)	(3)	(3)	(1)	(3)
"B"	%	96.0	100	88	92	95	84
	Gr	(1)	(1)	(1)	(2)	(3)	(2)
"C"	%	93.2	92.9	71.4	100	100	100
	Gr	(2)	(2)	(2)	(1)	(1)	(1)

Zone		Pedest Safety	Access	Open Spaces	Securi ty	Maint-enance	Amenit-ies
"A"	%	70	81	40	100	94.9	89.4
	Gr	(2)	(3)	(3)	(eq)	(3)	(2)
"B"	%	84	92	80	100	96	84
	Gr	(1)	(2)	(1)	(eq)	(2)	(3)
"C"	%	57	92.9	50	100	100	92.3
	Gr	(3)	(1)	(2)	(eq)	(1)	(1)

APPENDIX "B"

Physical Inspection Analysis

Indicators of physical problems:

The analysis of the physical condition of the built environment in Nablus centre and assessment of indicators for its deterioration are based on results of Part "B" of the questionnaire survey of 60 units, authors detailed inspection of 12 buildings and observation

Zone A :-

The physical condition of buildings in the old city was generally very bad according to the results of the physical survey and the views of users (Appendix A). It was evident that little maintenance work or upgrading of services had taken place for many years. In spite of some individual efforts to improve buildings or residential units, these were limited and confined to private individual initiatives rather than an overall trend. The physical condition of the buildings and spaces inspected and visited in zone "A" could be considered representative of the physical condition of the buildings and spaces all-over the old city. A total of twelve buildings were inspected some were included in the standard survey.

A- External

External walls are mainly built from local natural stone ranging from 50 to 100 cm in thickness. New additions of concrete or brick walls can be found particularly in recent vertical and horizontal extensions to existing buildings. New buildings constructed on the outskirts of the old city or to replace demolished or collapsed buildings in the middle of the old town are also built with the use of modern material. No visible effort had been made to build in harmony with the existing architectural styles or to preserve the traditional atmosphere of the existing urban fabric.

Stone: The stone walls suffered from erosion, spalling and discolouring of the surface. The walls frequently showed signs of bulging, cracking, leaning and settlement and were covered with mould and plant growth which were damaging to the surface and the mortar joints. Severe dampness and

water penetration had resulted in staining of surfaces and consequently dampness in internal walls (re photographs)

mortar : Erosion and cracking of mortar was found to be extensive in stone walls. Re-pointing had been carried out over the years in many buildings with the use of cement mortar which was quickly damaged and cracked due to the inappropriate application, and the unsuitable physical characteristics. The new mortar was also unsuitable visually because of its dark "cement" colour, and the inappropriate thickness of the joints relative to the colour and thickness of the original mortar. The overall visual appearance was exasperated by the cracks and stains .

Concrete : most concrete walls used in the construction of extensions and additional floors to existing buildings, had evidence of erosion of surfaces, and cracking. In certain cases spalling was evident which indicate the corrosion of the steel.

Cladding and Render: there was often failure of finishes where concrete walls were rendered or have cladding. The finishes were either detached from the structure, or showed evidence of severe dampness, staining of the surfacee and rot in case of timber cladding.

Lintels and Arches : cracking was often found in stone lintels and arches, with evidence of bulging and excessive load. This was evident in old buildings which remained un- as well as those with new extensions and additions.

Windows and Doors: where original timber doors and windows still existed, rot was evident in timber frames and in the leaf itself. Steel frames were rusty and there was generally poor quality of finishes and lack of maintenance. Thresholds were in poor condition and often unsafe. It was unusual in the old city to find any mastic or beading around openings. Metal doors and windows, whether original or a replacement, suffer from corrosion, peeled paint and general failure of finishes.

The main problems can be summarized as:

- Incorrect fixing of door and window frames into openings and gaps around frames
- rot in wooden frames
- rusting in metal frames and general failure of finishes
- staining, mould growth and wooden rot
- absence of dpc in general around windows, and below sills

Balconies and Canopies : The traditional timber balconies and mashrabiya's were still existing in the old city although, a large proportion of the original elements had disappeared (Abdul-Haq, Arafat, Kalbouneh, & Touqan, 1993). Those left were in very bad condition structurally and visually. Boards were missing, others broken, and there was evidence of extensive rot in most timber structures with hardly any finishes left. Steel cantilevers supporting balconies suffered from rust and corrosion. Floor boards were detached from the frames and seem generally unsafe. Many of these were no longer used, either because the buildings had been abandoned or sealed off by the military.

In the cases where the premises were still occupied, they had been repaired by adding extra boards or replaced by concrete or metal structures which were not suitable to the existing structure of the building and unsafe to carry the load (Abdul Haq 1993).

Heights of handrails and spacing between balusters, where original work had been replaced, did not follow any safety standards, with no kerbs at the end of balconies. There was also no provision of drainage facilities, slopes and rainwater goods.

Cantilevered Structures : Brackets were incorrectly fixed to walls, and did not have sufficient strength to carry the loads, there was often corrosion of the steel brackets and general deterioration of the structural cantilevered members.

Flashing and Damp proofing : None was found in any of the buildings inspected in the sample area or in the streets visited in the whole of the old city. Some owners described old methods of waterproofing roofs and walls in the past by using animal grease or special gypsum/lime plaster (qasrmill), but most of those interviewed, confirmed that none was applied for over thirty years.

Roofs : Most buildings in the old city have domed or cross-vaulted roofs, or a combination of flat and domed, or flat and vaulted roofs. The original structures were still in good condition in spite of adverse weather conditions, some of the original water proofing was still in place. Users of old buildings complained more of water penetration and dampness due to the failure of roof finishes than those in zone "B" and "C".

No thermal insulation, waterproofing, flashing, overflow pipes seemed to have been used in any of the buildings inspected. There was frequent occurrence of loose and cracked render and mortar, mould and plant growth and wood rot when timber was used .

Although the physical inspection showed evidence of condensation due to inadequate ventilation, although few respondents complained of this problem.

Flat roofs in newly built extensions or buildings in the old city did not have the adequate slopes or overflow pipes to get rid of excess water. They also had no insulation or waterproofing systems and cracks were already evident on walls around balconies and openings in the new extensions.

B- Internal :

Ceilings : Mainly plaster or plaster/ paint finish, although many had no finish at all. Very few had been redecorated in over twenty years. Ceilings in the buildings, and units inspected suffered generally from the following :

- evidence of condensation
- dampness, staining and mould growth
- roof and/or plumbing leaks and water penetration
- plaster failure where it exists, and uneven, bulging and often peeling paint where it is applied
- incorrect wall/roof connections
- in certain cases unsuitable materials (such as asbestos and foamed plastics) had been used to replace the original or to provide a division between spaces vertically (ie to create storage space).

Walls : Internally, walls were either exposed stone, or had plaster or plaster/paint finish. The following had been recorded in all the buildings inspected within this zone:

- evidence of condensation
- evidence of water penetration due to rain, plumbing or roof leaks.
- damaged or blocked down pipes and gutters leading to water penetration
- incorrect connection between walls
- incorrect fixing of door frames
- plaster and paint failure where applied
- uneven paint and plaster surface
- wood rot in internal joinery (door frames, timber lintels, window frames, built in timber

Floors : The floors were either built from natural stone, or concrete. Generally the condition of concrete floors was worse than that of original stone floors. Stone floors were mainly worn out as a result of long use, they often had an uneven surface, and some showed signs of subsidence, but generally remained in much better condition than new concrete floors. In some cases, concrete floors, screed or tiles on screed had been laid on top of the original stone floors. The existing concrete floors were characterized by;

- cracked or damaged surface finish (screed or tiles)
- cracking of slab in absence of finish and indentation of screed in absence of tiling

- overloading of floors and evidence of subsidence.
- evidence of water penetration through walls at lower levels
- down pipe damage at floor/wall level
- absence of dpm or dpc
- cracking, sloping and uneven flooring
- missing and broken tiles
- cracking of screed and lifting of tiles
- evidence of condensation

C) Stairways :

As is the case in most old cities, stairways were mainly constructed of natural stone. The width and height of steps usually depended on the space available, and whether they could be fitted in between buildings, floors, or various street levels. The steep topography in Nablus, required extensive provision of stairways to facilitate circulation within the city.

The stairways varied in width and in the height of risers, there were often no handrails. Doors very often opened directly into flights, and there was not sufficient headroom above pitch lines in many cases. However, the danger and inconvenience mainly due to the physical condition of these stairs rather than their design and technical specifications. The long use of the steps resulted in damaged and worn out treads and broken nosing. Steps were in some cases broken and partially removed.

Zone B:

A- External

Stone: Most building facades in this area were made of stone, often as a cladding material rather than structural element. Quality of stone was good in spite of lack of maintenance, graffiti on walls and some staining around openings and near roof parapets. This was a result of the penetration of rain water or in some cases burst pipes and lack of repair for long periods, (Interviews, 1993).

Mortar : there was evidence of mortar failure and cracking in many buildings, which did not seem to have had any serious effect on the buildings. There was evidence of internal dampness and staining as a result of bad pointing, which might only needed standard maintenance and re-pointing. There were, however, cases where spalling and staining of stone was evident, but as it was not extensive it could not be considered serious, nor did it require the replacement of the affected stone.

Concrete : There were signs of serious problems, where concrete walls were used without stone cladding, such as erosion of surfaces and spalling indicating steel corrosion. In the case of the three buildings on the main square (Anabtawi, Alloul and Qamhawi), exposed concrete had severe problems of staining, dampness, spalling and erosion. The remains of old render work made it visually worse. In addition to the war damage and fighting from which these buildings suffered, lack of maintenance of burst or leaking pipes, and water penetration to poorly fitted openings, resulted in serious structural, health, environmental as well as visual problems.

Cladding and Render : With the exception of stone cladding (described above), most cladding work was badly applied and poorly maintained. Layers of render and sporadic cladding work had been stuck on concrete walls, to hide defects in the original structure rather than to improve the visual appearance of the building. Soon after the cladding was applied, the same defects reappear in a worse condition.

An example of misguided renovation was demonstrated in the extension, addition to two buildings at the entrance of the old city on the city square (Alloul and Al Nimr) both carried out by tenants without the consent of owners, or permission from the municipality. Plastic coated metal cladding, and badly painted timber cladding (re. Quest no.16 & photographs) had either replaced the original stone walls or covered the existing deteriorating concrete walls. Both suffered severe dampness, staining, the metal was already

rusting around the joints and openings. Visually, the facade provided a poor introduction to the rich architectural heritage in the historic core behind it.

Windows and Doors : these were a mixture of timber and metal windows, and doors although unlike the old city, the majority windows were metal (aluminum or plastic coated steel). Most doors were either originally metal or had been replaced by metal doors and metal security doors and grills. A large number of the metal doors had rusted and were in need of repainting, while many had evidence of war damage such as bullets or twisted bars. Windows, particularly around the main square had broken glass or boarded up openings.

Balconies and Canopies : In the main spine of the city centre, Ghernata, Commercial and Hitteen Street, the old traditional balconies usually built on first and second floors, continued to look elegant and in good shape. Some had evidence of water penetration and staining, but as most have facing stone, probably only needed minor repair work to the stone and re-pointing. As with almost all construction, would require the application of waterproofing materials and improvement of available drainage.

Canopies were mainly of light weight structures, many were damaged and need replacement. It was noted during the survey that a number of shopkeepers had started carrying out repair and replacement work at their shops. However, concrete and metal canopies showed evidence of more serious problems of staining, water penetration and corrosion.

Cantilevered Structures: The more recent additions had evidence of structural problems, brackets were incorrectly fixed to walls and did not have sufficient strength to carry the loads. Steel brackets were corroded, and in many cases there was evidence of serious deterioration of the cantilevered members.

Flashing and Water-proofing : There was no signs of any application of waterproofing systems or flashing anywhere in this zone. Although it was difficult to inspect the roofs of buildings in this area during discussions with the building users (owners and tenants), almost all confirmed that there was none on roof tops. The absence of dpm/dpc was evident around windows and window sills in all buildings inspected.

Roofs, mostly flat in this part of the city centre, however, as mentioned above, none was inspected, the information was obtained during interviews and questionnaires with the users and through observation of the upper walls of buildings. The inspection of the ceiling and internal walls produced strong evidence of occurrence of dampness and water penetration through roofs in many buildings particularly those around the main square. Many upper floors in buildings on the square were deserted.

According to the owners of the old soap factory in the square, roof maintenance used to be carried out every year by applying the traditional waterproofing to the domed and flat roof of the factory. However, they were not able to do so for over 20 years due to the continuous security problems in and around the square. They also had no access to their own roof since 1987 (A. Touqan, 1993). The stair to the roof had been damaged and closed for many years, and soldiers very often follow suspects to roof tops where heavy fighting takes place frequently. There was evidence of severe dampness on the first floor ceiling, and on the top part of the walls.

B) Internal :

Ceilings : Many buildings inspected had their original ceilings renewed and new type of suspended tiles added. The quality of construction of the old and new ceilings was generally inadequate. Physical inspection showed that this was often due to bad workmanship and lack of maintenance rather than, from serious dampness problems (with exception of quest. 1,6,&60, which were severely war damaged).

Cinemas, offices and shops used a variety of suspended ceiling types, such as plastic, fibre glass, and timber. Asbestos tiles had also been found in some buildings which were installed recently. Most interviewees did not seem aware of the health hazards caused by the use of certain building materials. No building codes or standard specifications were enforced in the West Bank. (Hashem, 1993, Hanbali 1992, Abdul Hadi 1993). Buildings close to the main square, except those recently renovated, suffered from:

- condensation, dampness, staining and mould growth
- roof and/or plumbing leaks and water penetration
- plaster failure and uneven, bulging and often peeling paint where it is applied
- incorrect wall/roof connections

These defects were more frequently found in older buildings such as the soap factory, buildings at the edge of the old city, (Quest Nos 16, 17, 36, 37 & 58), also buildings suffering the worst of fighting and thus abandoned by owners (No. 1, 6 & 60). The two buildings inspected in Hitteen street had also signs of staining, dampness and water penetration, mainly due to evident lack of maintenance to services and absence of any form of waterproofing (No. 22 & 41).

Most of the buildings which were inspected in Ghernata street and in the Commercial street were generally in better condition. Seven out of 11 units inspected in Ghernata street had ceilings in good condition, including two shops in Ghernata cinema complex. The cinema itself and the owners' offices were in a dilapidated condition and owners had plans to demolish the building and to replace it by a new modern shopping and office centre. (Shakka' Interview 1993)

Walls: Similar to the condition of ceilings in this zone, the internal walls, where unit/building had been recently renovated, were still in good shape.

This was also more characteristic in the buildings in the area around Ghernata street and the Commercial street, than it was in the buildings in the area around Al-Hussain square and Hitteen street. The latter had suffered more fighting and security problems than the former. Thus owners and users were either unable to, or discouraged from, carrying out any improvements on their premises.

The most common wall finish was plaster and paint, although wall paper and other wall cladding materials were used in some units. The workmanship was generally poor, even in cases where renovation work had just been completed. Evidence of water penetration and dampness was limited to buildings that had not been renovated.

Walls in older buildings and in units had not been maintained for a long time and generally suffered from the following;

- evidence of condensation
- evidence of water penetration due to rain, plumbing or roof leaks.
- damaged or blocked down pipes and gutters leading to water penetration
- incorrect connection between walls
- incorrect fixing of door frames
- failure of plaster and paint failure where applied
- uneven paint and plaster surface
- wood rot in internal joinery (door frames, timber lintels, window frames, built in timber

(Physical survey to buildings nos. 1, 3, 6, 16, 17, 22, 36, 37, 41, 47, 58, 58 & 60).

Windows and Doors : Most of the buildings in this zone were for retail and office use, in addition to public buildings. Many units, particularly those on the ground floor have installed additional security doors and grills to ensure its safety, most of which were in good condition. The original metal doors had evidence of corrosion.

Internal windows and partitions such as those in banks, money changers offices, pharmacies supermarkets etc. were mainly made of timber or of aluminum and glass. The cases where asbestos, pressed wood and other types of partitions were used, had evidence of dampness and cracks. Internal screens in shops were made of glass and aluminum and were generally in good condition.

Like external windows and doors, the workmanship and maintenance level of these units were inadequate, the fixing between door and window frames and the opening were usually incorrect leaving gaps around frames. There was evidence of rot in the timber elements, and rust in the metal elements.

Floors : Most buildings in this zone have terrazzo or PVC tiles floor finish, older buildings still had floors without finish or with screed only, mainly in storage areas, workshops, and back rooms. The quality of floor finish seemed to vary according to the type of finish although buildings with terrazzo tiling were generally in better condition. There was more evidence of damage to floor finish in units with plastic flooring than in units with terrazzo or stone flooring. The main problems with flooring in this zone can be summarised as:

- cracked or damaged surface finish (screed or tiles)
- cracking of slab in the absence of finish and indentation of screed in the absence of tiling
- overloading of floors and evidence of subsidence.
- evidence of water penetration at lower levels of walls.
- down pipe damage at floor/wall level
- absence of dpm or dpc
- cracking, sloping and uneven flooring
- missing and broken tiles
- cracking of screed and lifting of tiles
- evidence of condensation.

C) Stairways :The physical condition of the stairs in this area also varied according to the location of the building. The stairs in the buildings close to the main square had also suffered neglect and lack of maintenance over the years. The stairs in buildings 1, 6 & 63 were in very bad condition. Many treads were chipped and the nosing was broken, the handrails missing or broken and there were no lights on any of the landings. Lights in stairs and landing were either; missing, broken or were out of order. The windows on the landings were badly fitted allowing rain and water penetration which caused dampness and wall staining.

There were no lifts in any of the three high rise buildings inspected on the main square, although these exceeded six floors in height. According to Jordanian building laws, buildings above four floors, should be provided with lifts. Although lift shafts are provided, there were no lift cars and lift machines had been removed a long time ago. Tenants who were interviewed in these buildings, estimated that lifts had been out of order for over twenty years. With six floors above ground level and two basement floors, total height of the building was eight stories.

This case was common in most high rise buildings in the centre, whether these were built before or after 1967. It was common practice for owners to provide the shaft of the lift for planning permission purposes and not to fit the lift car and machines once the construction was finished (Hanbali, 1992). This was evident in a quick survey of high rise* buildings in the centre as 9 out of 12 buildings inspected either did not have lift facilities or the lift has been out of order for many years.

Zone C :-

Design problems in this zone also involved services, traffic and circulation. Most new buildings in this area were high rise and exceed the six floors height allowed under Jordanian law for this zone. Many owners who originally built within the allowed height, had recently added floors to their buildings.

During discussions with engineers at the municipality and those in private practice, it became evident that this was done without proper checking whether the added load could be carried by the foundations. (Nabulsi 1993). Although these addition were legally acceptable to the municipality, the Chief Engineer, stated that he sometimes gave the approval under duress due to the absence of a proper legal system and the breakdown in law and order (ibid).

The number of violations increased, particularly in terms of heights and setbacks, according to the municipality engineer and the last mayor of Nablus, who estimated that there were 3000 violations between 1990 and 1993, (Hanbali, 1992, H. Touqan, 1993).

The quality of construction in this zone was poor, and the physical condition of buildings between twenty to two years old was deteriorating fast as was observed during the authors visits to Nablus in the last two years. It was noted that no precautions were taken for safety on the sites of buildings under construction. Excavations were under way on a large scale in this area and some excavated sites were abandoned for weeks for various reasons. The deep site excavations which sometimes exceeded twenty meters in depth were not protected by fencing, bollards, or caution signs. Municipal work in this area, to extend services or carry out repair and emergency work, was also carried out without safety precautions. The municipality had no power or authority to ensure that building sites are protected during the works.

Many of the abandoned excavation sites became large rubbish tips in the middle of town, with mosquitos and insects. This generated bad smell, especially when nearby residents burn the rubbish to get rid of the insects and the foul smells and consequently increase the pollution. Most importantly, the buildings were constructed without following the existing building regulations related to setbacks, right of way and heights, and without provision of parking spaces as required by the law. Thus, increasing

pressure on streets which were already overcrowded with illegally parked cars, and on services which were already overloaded.

A- External

General :

During discussions with engineers who worked in this area, they complained of the poor quality of construction which in their opinion, was due to lack of experience of local contractors and workers. With the absence of any form of local authority control or supervision, of building and safety codes, and the absence of liability laws for the protection of Palestinian civilians, the owners and contractors were free to carry out their work without being accountable to anyone. Clients were also not prepared to pay consultants supervision fees which meant that they had no power to issue instructions to contractors who usually dealt directly with the clients (Al Mughani 1993). Clients who employed engineers for the supervision of their buildings were often inclined to deal with the contractor without referring to the engineers who complained of the difficulty of making the contractor follow their site instructions. However, supervision and contract administration according to international practices were limited and relatively new in the OPT at the time of the survey (Abdul Hadi 1993).

Masonry :

Stone: Stone used for cladding had less thickness than that used in older buildings. During the inspection of buildings and discussions with users, it was evident that the stone fixing was inadequate. Although it was not possible to check the availability, and proper fixing, of wall ties, the cladding according to tenants and residents, often fell on passers-by causing injury and alarm (Dweak, Nabulsi & Swedan 1993). There were no similar complaints of such problems in other parts of the city.

Mortar: Mortar was generally of bad quality and inappropriate application. Residents complained of water

penetration and cracking of mortar, and of lack of maintenance from the building owners which was evident during the inspection of buildings.

Concrete: Most exposed concrete walls, even if they had been rendered, suffered from severe staining and dampness, erosion of surfaces, and cracking. Spalling was evident where corrosion of steel exists. (Quest Nos 10, 11, 12, 13, 26, 27, & 28)

Windows and Doors: Many buildings particularly those close to the main square (Nos. above) suffered the same problems found on the main square in terms of quality of construction and lack of maintenance. These can be summarised as:

- excessive gaps around frames and inadequate fixing of frame to opening
- degraded finishes
- rusting in metal frames
- rot in timber frames
- staining, mould growth, and wood rot
- absence of dpc around windows and doors and also under sills

Balconies and Canopies : these had evidence of common problems such as, spalling of concrete and corrosion of steel support and inadequate fixing. There was also evidence of ponding due to inadequate falls, damaged and leaking rain goods, and no sign of flashing or water-proofing at roof levels. The brackets in the cantilevered structures had insufficient strength and were incorrectly fixed and in many cases there was evidence of corrosion.

Flashing and Water-proofing : No application of waterproofing systems or flashing was found anywhere in this zone either. It was also difficult to inspect the roofs of buildings in this area particularly those close to the main square (Nos.10, 11, 12, 13), because of their proximity to the Israeli Military point. Discussions with

the building users confirmed that no waterproof or rain goods had been applied or maintained on the roofs of these buildings. The inspection also proved that no dpc had been applied around windows and below window sills.

Roofs, All the buildings in this zone had flat roofs, and there was evidence of severe dampness and water penetration through roofs in many buildings particularly around the main square. This was demonstrated by the staining, water penetration and dampness of the walls internally and externally on the walls particularly the upper parts. The tenants and users confirmed that no work had been done to solve leakage problems on roofs, from which they suffered for a long time. The units that were recently renovated, seemed to be in better condition.

Although tenants in Kalbouneh building complained of similar problems, the owner of the building, who lived in a roof terrace apartment in the building, refused to allow access to inspect it. There was evidence of stains and water dripping on the external walls which confirmed that there was a major problem with the finish and the drainage system. It was not possible to determine whether there was any damp-proofing or insulation on the roof and how the water was drained.

There was no access either to the roof of the fourth buildings in this sample area. There was no evidence of any problems the upper floors and no sign of water, stains or dampness internally or externally..

B) Internal :

Ceilings : The ceilings in the two buildings close to the main square, Karsoue' building and Suq Al-Akhdar shopping centre (also the oldest of the four inspected), were in very bad condition. Apart from two units which had been recently redecorated (No.s 10 & 11), there was clear evidence of severe dampness, water penetration, damage to tiles, cracked plaster and peeling paint(No.s 12, 13, 26, 27, & 28).

In Karsoue' building the ceiling to the main entrance lobby and the stair on every floor of the building had extensive damage to the finish and signs of corrosion to steel in exposed concrete areas. In the entrance lobby to the offices inspected on the fourth floor, the water penetration and water dripping was very close to the exposed live wiring which had not been repaired for years according to the tenants. Both tenants (No. 12 & 13) confirmed that the owner of the building did not carry out any maintenance work on the building since they moved in the early 1970s (Dweak, Swedan 1993).

Although the condition of the ceiling inside their offices seemed reasonable, the condition of the under slab of the balconies in these offices was serious. Exposed rusty steel and broken concrete cantilevers, and evidence of severe dampness and water ponding were common in most of the balconies in this building.

Ceilings to entrances, stairs and the majority of shops and offices in Suq Al Akhdar were in very bad condition. The same problems of dampness, water penetration, plaster damage and cracks, paint peeling and exposed tangled wiring. Many lights were out of order and according to tenants and users had been out of order for many years. Many buildings inspected had renewed the original ceiling and some added suspended ceiling tiles. The quality of construction was generally inadequate in old and new ceilings, but that may be more because of bad workmanship and maintenance than from serious dampness problems.

Except for recently decorated buildings around the main square there was evidence of:

- condensation,dampness, staining and mould growth
- roof and/or plumbing leaks and water penetration
- plaster failure and uneven, bulging and often peeling paint where it is applied
- incorrect wall/roof connections

Walls: The condition of internal walls in this zone were similar to the ceiling. Most units inspected in Karsoue' and the Suq Al-Akhdar suffered from failure of finishes, damage to the plaster, paint and severe staining and dampness. The worst cases occurred in entrance lobbies and staircases. The walls in the most of the units inspected, were in bad condition. This was due to bad workmanship and detailing, lack of proper technical specification, or supervision and absence of maintenance.

Many buildings in this zone suffered from the following;

- evidence of severe condensation
- evidence of water penetration due to rain, plumbing or roof leaks.
- damaged or blocked down pipes and gutters leading to water penetration
- damage to wall paper or wall cladding
- incorrect connection between walls
- incorrect fixing of door frames
- cracks in plaster and paint failure where applied
- uneven paint and plaster surface
- wood rot in internal joinery(door frames,timber lintels, window frames, built in timber (Quest. Nos 10-14 & 26- 28)).

The quality of construction and finishes of one building was reasonable (No.s 51 & 52). The inspection of the stairs on all floors, the main entrance lobby, the basement and a number of units, proved the building to be in better condition than the others. Tenants and users had no complaints with regard to the physical condition of the building.

Floors : Most buildings in this zone had terrazzo tiling or PVC tile finish. The quality of floor finish seemed adequate by comparison to other finishes. The units where plastic flooring had been used showed more evidence of damage to the floor and to being worn out. Al Suq Al-Akhdar seemed to be in a worse condition than any of the other three. The quality of the floor finish in both Karsoue' and Kalbouneh buildings was reasonable. The floor finish in Al-

Shunnar building was of good quality. Some of the most common problems were:

- cracked or damaged surface finish (screed or tiles)
- evidence of water penetration through walls at lower levels
- down pipe damage at floor/wall level
- absence of dpm or dpc
- cracking, sloping and uneven flooring
- missing and broken tiles
- cracking of screed and lifting of tiles
- evidence of condensation

C) Stairways : Except in Al-Shunnar building, the physical condition of the stairs in this zone was bad and considered to be a safety hazard. The worse were Karsoue' building and Al Suq Al-Akhdar centre. Although the design of the stairs in terms of width and the dimension of the step was adequate, the quality of finish and the physical condition of the stairs were very bad and made it dangerous to use. The walls ceilings, landings etc, suffered from severe damage, dampness, water penetration, stains, graffiti, exposed wiring, and broken lights. Many treads were chipped and the nosing was broken, handrails missing or broken. Most lights were either missing, damaged or out of order. Windows on landings were badly fitted which allowed rain and water penetration causing staining and dampness to internal walls. Although lifts in two out of the three high rise buildings inspected were in good working condition, upon inspecting another four high rise buildings in the same area, none had any working lifts, two had the shaft provided with no lifts installed.

During discussions with engineers in Nablus, almost all agreed that in 80% of cases, high rise buildings had no working lifts. Tenants and building users estimated that some lifts had been out of order for over twenty years. (Assali, 1993, Nabulsi, 1993, Hanbali, 1992, & Quest. No.12,13,14)

Summary:

There was strong evidence of serious dampness and water penetration problems. These problems were demonstrated, internally and externally by general failure of finishes, deteriorating surface condition, rust in metal and rot in timber elements, mould and plant growth and condensation, and more seriously rising damp in many floors and lower walls. In addition to lack of maintenance and neglect, the problems are strongly associated with bad quality construction, particularly in new buildings and extension to existing buildings. Inadequate fixing of door and window frames, lack of water proofing and rain goods in most roofs and around openings were obvious reasons.

Indicators of more serious problems were evident in new extensions (horizontal and vertical). Additional floors built on top of old buildings, balconies and cantilevers showing signs of cracking and sagging floors, looked structurally unsafe. This observation was collaborated by engineers' and users' confirmation that it was carried out without professional or official supervision or approval.

The following tables are based on authors' own evaluation based on all the information available when inspection was carried out, including the data obtained from the questionnaire and recorded in field notes and sketches.

Physical Survey Results**Table (38)****Evaluation of Buildings Physical Condition**

1.

Sample No	Zone	Build. Use	User	Evaluation
1	B	Commercial	Tenant	(1)
2	B	Cinema Cmx	Owner	(4)
3	B	Cinema	Owner	(1)
4	B	Mixed Use	Tenant	(3)
5	B	=	Tenant	(3)
6	B	Commercial	=	(1)
7	C	=	Owner	(1)
8	A	Factory	Employee	(1)
9	A	Workshop	Tenant	(1)
10	C	Shop.Ctre	Tenant	(2)
11	C	=	=	(2)
12	C	Commercial	Tenant	(1)
13	C	=	=	(1)
14	C	Comm/Resid	=	(3)
15	C	=	Owner	(3)
16	B	Commercial	Tenant	(2)
17	B	=	=	(2)
18	A	Mixed Use	Tenant	(2)
19	A	Resident.	Tenant	(2)
20	A	Comm/Resid	Tenant	(3)

Evaluation Index:

Dilapidated condition = (1)
Bad condition = (2)
Medium condition = (3)
Good Condition = (4)
Excellent condition = (5)

Table (38)**2.**

Sample No	Zone	Build Use	User	Evaluation
21	A	Factory	Owner	(2)
22	B	Mixed Use	Tenant	(3)
23	A	Mixed Use	Tenant	(3)
24	A	=	Tenant	(3)
25	A	=	Tenant	(4)
26	C	Commercial	Tenant	(1)
27	C	=	Tenant	(1)
28	C	=	Tenant	(1)
29	A	Resident.	Owner	(1)
30	B	Mixed Use	Tenant	(3)
31	A	Factory	Owner	(2)
32	A	Mixed Use	Tenant	(2)
33	B	Comm/Resid	Owner	(4)
34	B	=	Tenant	(2)
35	B	Commercial	Tenant	(2)
36	B	=	Tenant	(3)
37	B	Commercial	Tenant	(3)
38	A	=	Tenant	(2)
39	A	=	Tenant	(3)
40	B	Commercial	Tenant	(4)

Table (38)**3.**

Sample No	Zone	Build Use	User	Evaluation
41	B	Commercial	Tenant	(4)
42	C	Commercial	Tenant	(2)
43	C	Comm/Resid	Owner	(4)
44	B	Commercial	Tenant	(2)
45	B	Mixed Use	Tenant	(4)
46	B	=	Tenant	(3)
47	B	Comm/Resid	Owner	(1)
48	B	=	Tenant	(3)
49	A	Resident.	Owner	(2)
50	A	Mixed Use	Tenant	(3)
51	C	Commercial	Tenant	(4)
52	C	=	Tenant	(4)
53	A	Mixed Use	Tenant	(2)
54	A	Resident.	Squatter	(2)
55	A	=	Owner	(2)
56	A	Comm/Resid	Tenant	(3)
57	A	Mixed Use	Owner	(5)
58	B	Factory	Owner	(3)
59	B	Commercial	Owner	(4)
60	B	Commercial	Owner	(1)

Table (39)**Evaluation of Physical Condition of buildings/zone:**

(including general maintenance level, condition and provision of internal utilities, physical problems such as water penetration, dampness, quality of finishes (ext./int),

(ZONE)

Count Row% Col% Tot%	Zone "A" Old	Zone"B" Medium	Zone"C" New	Row Total
Dilapidat. Cond.	3 21.4 14.3 5.0	5 35.7 20.0 8.3	6 42.9 42.9 10.0	14 23.3
Bad Cond.	10 55.6 47.6 16.7	5 27.8 20.0 8.3	3 16.7 21.4 5.0	18 30.0
Medium Cond.	6 35.3 28.6 10.0	9 52.9 36.0 15.0	2 11.8 14.3 3.3	17 28.3
Good Cond.	1 10.0 4.8 1.7	6 60.0 24.0 10.0	3 30.0 21.4 5.0	10 16.7
Excell. Cond.	1 100.0 4.8 1.7	0	0	1 1.7
Column Total	21 35.0	25 41.7	14 23.3	60 100.0

Summary:

(based on buildings graded as in dilapidated and bad condition)

Zone "A": 13 out of 21 buildings in less than medium condition (61.9%)

Zone "B": 10 out of 25 buildings in less than medium condition (40.0%)

Zone "C": 9 out of 14 buildings in less than medium condition (64.3%)

Total : 32 out of 60 (53.3%) were in bad or dilapidated condition

Table (40)

Evaluation of Architectural Quality of building/zone:

(based on architectural style, details and special features, relation to surrounding, quality of construction/finishing material and any special aesthetic value)

Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Very Bad	0	3 33.3 12.0 5.0	6 66.7 42.9 10.0	9 15.0
Bad	0	9 81.8 36.0 15.0	2 18.2 14.3 3.3	11 18.3
Medium	4 23.5 19.0 6.7	9 52.9 36.0 15.0	4 23.5 28.6 6.7	17 28.3
Good	12 70.6 57.1 20.0	3 17.6 12.0 5.0	2 11.8 14.3 3.3	17 28.3
Excellent	5 83.3 23.8 8.3	1 16.7 4.0 1.7	0	6 10.0
Column Total	21 35.0	25 41.7	14 23.3	60 100.0

Table (41)

Evaluation of general quality of building/zone*:

(including general physical condition, architectural quality, and condition of the surrounding area such as: access, traffic, parking facilities, environmental conditions, amenities, open spaces, & utilities provision

Count Row% Col% Tot%	"A" Old	"B" Medium	"C" New	Row Total
Grade (D)	0	4 36.4 16.0 6.7	7 63.6 50.0 11.7	11 18.3
Grade (C)	6 30.0 28.6 10.0	10 50.0 40.0 16.7	4 20.0 28.6 6.7	20 33.3
Grade (B)	13 52.0 61.9 21.7	9 36.0 36.0 15.0	3 12.0 21.4 5.0	25 41.7
Grade (A)	2 50.0 9.5 3.3	2 50.0 8.0 3.3	0	4 6.7
Column Total	21 35.0	25 41.7	14 23.3	60 100.0

Grade A: Generally good or very good, building and surrounding.

Grade B: Medium to good condition of building and surrounding with good architectural value of building design.

Grade C: Medium condition of building and surrounding with medium architectural value.

Grade D: Dilapidated physical condition, bad surrounding and no architectural value.

* Authors own evaluation based on field notes and information available at the time the questionnaire and inspection were carried out.

Table (42)

Physical condition by Building Age:

Count Row% Col% Tot%	New Occupat	New Jordan.	Old British Mandate	Old Historic	Row Total
Dilap Cond.	0	8 57.1 40.0 13.3	3 21.4 30.0 5.0	3 21.4 13.6 5.0	14 23.3
Bad Cond.	3 16.7 37.5 5.0	2 11.1 10.0 3.3	3 16.7 30.0 5.0	10 55.6 45.5 16.7	18 30.0
Medium Cond.	2 11.8 25.0 3.3	6 35.3 30.0 10.0	2 11.8 20.0 3.3	7 41.2 31.8 11.7	17 28.3
Good Cond.	3 30.0 37.5 5.0	4 40.0 20.0 6.7	2 20.0 20.0 3.3	1 10.0 4.5 1.7	10 16.7
Excell. Cond.	0	0	0	1 100.0 4.5 1.7	1 1.7
Column Total	8 13.3	20 33.3	10 16.7	22 36.7	60 100.0

APPENDIX "C"

Questionnaire, Inspection Schedule and Code Book

Nablus Survey:-

Questionnaire carried out between May and July 1993

The Survey carried out in three sample area in the Centre of Nablus, the areas were chosen according to the periods they were built, the survey was carried in what is considered to be the spine of each zone. The questionnaire presented below is the original form used during the survey. Although answers were obtained for all the questions, a number of the questions were not considered for the data analysis, (Map No.4 & 6).

Sample (1)

Zone A: (Al Qasaba)

1. The main spine: Al-Khader Street/Al-Nasser Street
2. buildings in small streets branching of the main spine

Sample (2)

Zone B: (the business district)

1. Ghernata Street (from the Ottoman Bank to the main square)
2. The main square (AL Hussain)
3. The Commercial Street up to Hitteen Street north

Sample (3)

Zone C: (Al Basateen)

This area had no clear focal point or centre, the existing streets (mainly dirt tracks) seem to follow a some grid plan.

The main streets are Al-Adel Street (behind the square) and Suffian Street to the west. Buildings were selected randomly between these two streets.

(A) QUESTIONNAIRE (Social Survey)

Date :

Sample Number :

Sample Area :

Interviewer :

Street Name :

Building Name :

Building Use :

- | | | |
|-------------------------------------|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Retail | <input type="checkbox"/> Offices | <input type="checkbox"/> Ret./Off. |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Residential | <input type="checkbox"/> Recreational |
| <input type="checkbox"/> Mixed | <input type="checkbox"/> Public | <input type="checkbox"/> Other |

Building Age :

- | | |
|-----------------------------------|------------------------------|
| <input type="checkbox"/> Historic | <input type="checkbox"/> Old |
| <input type="checkbox"/> Medium | <input type="checkbox"/> New |

Building Description :

- | | |
|---|---|
| <input type="checkbox"/> Old single hse | <input type="checkbox"/> Old multi storey |
| <input type="checkbox"/> Mod low-rise | <input type="checkbox"/> Mod multi-storey |
| <input type="checkbox"/> Mod high rise | |

Physical Condition :

- | | | |
|------------------------------------|--------------------------------------|---------------------------------|
| <input type="checkbox"/> Excellent | <input type="checkbox"/> Good | <input type="checkbox"/> Medium |
| <input type="checkbox"/> Bad | <input type="checkbox"/> Dilapidated | |

Architectural Quality :

- | | | |
|------------------------------------|-------------------------------|---------------------------------|
| <input type="checkbox"/> Excellent | <input type="checkbox"/> Good | <input type="checkbox"/> Medium |
| <input type="checkbox"/> Bad | | |

General Evaluation :

- | | |
|----------------------------------|----------------------------------|
| <input type="checkbox"/> Grade A | <input type="checkbox"/> Grade B |
| <input type="checkbox"/> Grade C | <input type="checkbox"/> Grade D |

(I) QUESTIONS TO OWNERS

A- OWNER/OCCUPIER

Q1- What is your relationship to the building?

A1- ☐ Sole owner ☐ Partner

Q2- How long have you owned it?

A2- ☐ Over 40 yrs ☐ Over 25 yrs

☐ Over 15 yrs ☐ 10-5 yrs

☐ 5-2 yrs ☐ less

Q3- Was the property built for the present use?

A3- a) Yes ☐ b) No ☐

c) Don't know ☐

Q4- (if A3/b) What was it originally built for?

A4-

Q5- Did the change of use require alterations ?

A5- a) Yes ☐ b) No ☐

c) Don't know ☐

(if A5/a)

Q6- What were the changes ?

A6-

Q7- When were these carried out ?

A7-

Q8- How did you become an owner ?

A8- a) Inherited ☐

b) Bought it from previous owner ☐

c) First owner ☐

Q9- (if A8/a) How long has it been with the family ?

A9- ☐ Over 40 yrs ☐ Over 25 yrs ☐ over 15 yrs

☐ 10-5 yrs ☐ 5-2 yrs ☐ less

Q10- How often do you maintain the building ?

A10- ☐ Every yr ☐ 2-3 yrs ☐ 5 yrs
☐ More ☐ When it needs ☐ Never

Q11- Are you satisfied with the present use of the building?

A11- a) Yes ☐ b) No ☐ c) Don't know ☐

Q12- Are you satisfied with the present condition of the building?

A12- a) Yes ☐ b) No ☐ c) Don't know ☐

if either A11 or A12 is b or c ;

Q13- Do you have any plans to:

A13- 1- Change use of the building ?

a) Yes ☐ b) No ☐ c) Don't know ☐

2- Upgrade/ expand

a) Yes ☐ b) No ☐ c) Don't know ☐

Q14- *(if answer is b or c to both)*
What are the obstacles to change?

A14- a) Security (financial):

☐ Credit facilities ☐ High tax

b) Uncertainty (political):

☐ Violence ☐ Ownership ☐ Planning laws

c) Municipal :

☐ Services ☐ Traffic/park

(B) OWNER LETTING PROPERTY:

Q15- How long have the property been let ?

A15- ☐ Over 40 yrs ☐ Over 25 yrs

☐ Over 15 yrs ☐ 10-5 yrs

☐ 5-2 yrs ☐ Less

Q16- Is this the first tenant you had ?

A16- a) Yes ☐ b) No ☐ c) Don't know ☐

if A16/b

Q17- How long did you have the present tenant?

A17- ☐ Over 40 yrs ☐ Over 25 yrs

☐ Over 15 yrs ☐ 10-5 yrs

☐ 5-2 yrs ☐ Less

Q18- When was the last time the rent was reviewed/increased?

A18- ☐ 1-2 yrs ☐ 2-5 yrs

☐ Over 10 yrs ☐ More ☐ Never

Q19- Are you satisfied with the present rent ?

A19- ☐ Yes ☐ No

☐ Don't know

Q20- How often do you maintain the building ?

A20- ☐ Every yr ☐ 2-3 yrs

☐ 5 yrs ☐ More

☐ When it needs ☐ Never

Q21- Are you satisfied with the present use of the building?

A11- a) Yes ☐ b) No ☐

c) Don't know ☐

Q22- Are you satisfied with the present condition of the building?

A22- a) Yes ☐ b) No ☐ c) Don't know ☐

if either A21 or A22 is b or c ;

Q23- Do you have any plans to:

A23- 1- Change use of the building ?

a) Yes ☐ b) No ☐ c) Don't know ☐

2- Upgrade/ expand ?

a) Yes ☐ b) No ☐ c) Don't know ☐

Q24- *(if answer is b or c to both)*
What are the obstacles to change?

A24- a) Security (financial):

☐ Credit facilities ☐ High tax

b) Uncertainty (political):

☐ Violence ☐ Ownership

☐ Planning laws

c) Municipal :

☐ Services ☐ Traffic/parking

d) Rent control :

☐ Low rent ☐ Obligation to tenants

☐ Both

(II) QUESTIONS TO TENANTS

Q25- How long have you been a tenant ?

- A25-** ☐ Over 40yrs ☐ Over 25yrs
☐ Over 15yrs ☐ 10-5 yrs
☐ 5-2 yrs ☐ Less

Q26- How often is the rent reviewed ?

- A26-** ☐ Every year ☐ 2-5yrs
☐ 5-10 years ☐ more ☐ never

Q27- When was the last time your rent was reviewed?

- A27-** ☐ 0-12 mnths ☐ 1-5yrs
☐ 5-10 yrs ☐ Before ☐ don't know

Q28- Do you believe that the amount of rent you pay is fair relative to the value of the property today?

- A28-** ☐ Yes ☐ No ☐ Don't know

Q29- How often you maintain the property?

- A29-** ☐ Every year ☐ 2-5 yrs ☐ 5-10 yrs
☐ More ☐ Never

Q30- Do you think the landlord is doing enough to improve the property?

- A30-** ☐ Yes ☐ No ☐ Don't know

Q31- Do you have plans to move ?

- A31-** ☐ Yes ☐ No ☐ Don't Know

Q32- Do you have plans to expand/ upgrade the business (or improve the property if tenant)

- A32-** a) Yes ☐ b) No ☐ c) Don't know ☐
if A32/b or c

Q33- What are the constraints ?

- A33-** a) Political: ☐ Uncertainty ☐ Violence
☐ Closure (curfews/strikes)
b) Financial: ☐ High taxes ☐ Credit fac.
☐ Investment opp.
c) Regulatory: ☐ Rent control ☐ Planning laws
☐ Avail Services ☐ Traffic/park

III) QUESTIONS TO ALL:

Q34- Do you consider that you have serious problems in the building?

A34- a) Yes ☐ b) No ☐ c) Don't know ☐

if A34/a

Q35- How do you grade the seriousness of the following problems if you have any in the building ?

A35- a)Noise

☐ serious ☐ bad ☐ accept

☐ no problem

b)Pollution

☐ serious ☐ bad ☐ accept

☐ no problem

c)Ventilation

☐ serious ☐ bad ☐ accept

☐ no problem

d)Light

☐ serious ☐ bad ☐ accept

☐ no problem

e)Draft (wind)

☐ serious ☐ bad ☐ accept

☐ no problem

f)Water Penetration

☐ serious ☐ bad ☐ accept

☐ no problem

g)Dampness

☐ serious ☐ bad ☐ accept

☐ no problem

h)Access

☐ serious ☐ bad ☐ accept

☐ no problem

i)Traffic

☐ serious ☐ bad ☐ accept

☐ no problem

k)Utilities

☐ serious ☐ bad ☐ accept

☐ no problem

l)Maintenance

☐ serious ☐ bad ☐ accept

☐ no problem

Q36- Do you consider that you have serious problems in the area/street?

A36- a) Yes ☐ b) No ☐ c) Don't know ☐

if A36/a

Q37- How do you grade the seriousness of the following problems if you have any in the area/street ?

a)Traffic

☐ serious ☐ bad ☐ accept

☐ no problem

b)Parking facilities

☐ serious ☐ bad ☐ accept

☐ no problem

c)Street Vendors

☐ serious ☐ bad ☐ accept

☐ no problem

d)Pollution

☐ serious ☐ bad ☐ accept

☐ no problem

e)Hygiene

☐ serious ☐ bad ☐ accept

☐ no problem

f)Services

☐ serious ☐ bad ☐ accept

☐ no problem

g)Pedestrian Safety

☐ serious ☐ bad ☐ accept

☐ no problem

h)Access to buildings

☐ serious ☐ bad ☐ accept

☐ no problem

j)Open Spaces (lack of)

[] serious [] bad [] accept

[] no problem

k)Security (Street fighting/ Army battles)

[] serious [] bad [] accept

[] no problem

l)Security (Vandalism/ burglary)

[] serious [] bad [] accept

[] no problem

m)Amenities (lack of: parks, seats, pub. toilets)

[] serious [] bad [] accept

[] no problem

Q37- Are you satisfied generally with the condition of the city centre (buildings, spaces, services etc)?

A37- a) Yes [] b) No [] c) Don't know []

(if A37/b)

Q38- Do you consider that you have serious problems in the city centre (inc. historic core), which are obstructing the development and improvement of the built environment?

A38- a) Yes [] b) No [] c) Don't know []

if A38/a

Q39- How do you grade the seriousness of the following problems if you have any in the city centre?

A39- a)Traffic

[] serious [] bad [] accept

[] no problem

b)Parking facilities

[] serious [] bad [] accept

[] no problem

c)Street vendors:

[] serious [] bad [] accept

[] no problem

d)Pollution

[] serious [] bad [] accept

[] no problem

e)Hygiene

☐ serious ☐ bad ☐ accept
☐ no problem

f)Services

☐ serious ☐ bad ☐ accept
☐ no problem

g)Pedestrian safety

☐ serious ☐ bad ☐ accept
☐ no problem

h)Access to buildings

☐ serious ☐ bad ☐ accept
☐ no problem

i)Open spaces (lack of)

☐ serious ☐ bad ☐ accept
☐ no problem

k)Amenities (lack of: parks, seats, pub. toilets)

☐ serious ☐ bad ☐ accept
☐ no problem

l)Lack of maintenance:

☐ serious ☐ bad ☐ accept
☐ no problem

m)Restoration/protection of historic buildings

☐ serious ☐ bad ☐ accept
☐ no problem

Q40- What effect do you consider did the following factors had on the present condition of the city centre, and are obstructing development and investment?

A40- Political factors:-

a)Security (Street fighting/ Army battles)

☐ serious ☐ bad ☐ accept
☐ no effect

b)Security (Vandalism/ burglary)

☐ serious ☐ bad ☐ accept

☐ no problem

c)Prolonged forced closure

☐ serious ☐ bad ☐ accept

☐ no problem

d)Demolition/sealing off property

☐ serious ☐ bad ☐ accept

☐ no problem

e)Uncertainty (political future)

☐ serious ☐ bad ☐ accept

☐ no problem

Legal factors

f)Absence of municipal council

☐ serious ☐ bad ☐ accept

☐ no problem

g)Planning laws

☐ serious ☐ bad ☐ accept

☐ no problem

h)Ownership status

(absentees laws/ residency permits)

☐ serious ☐ bad ☐ accept

☐ no problem

i)Rent control

☐ serious ☐ bad ☐ accept

☐ no problem

Financial factors

k)Lack of investment

☐ serious ☐ bad ☐ accept

☐ no problem

l)Lack of financial institutions (credit,saving)

☐ serious ☐ bad ☐ accept

☐ no problem

m)Closure of Arab banks (restrictions on credit)

☐ serious ☐ bad ☐ accept

☐ no problem

n)High taxes/ raids

☐ serious ☐ bad ☐ accept

☐ no problem

Q7- Has it changed from its original use?

A7- a) same ☐ b) changed ☐ c) Don't know ☐

(if A7/b)

Q8- What was the previous use ?

A8- ☐ shop ☐ shop/serv. ☐ Dr./dent.
☐ rest/cafe ☐ office ☐ workshop
☐ factory ☐ public ☐ recreation
☐ flat ☐ house ☐ other
 retail

(d) Building Description:

A- External :-

1- Elevations

1/1 WALLS

Q9- Construction material

A9- ☐ Stone ☐ Concrete
☐ Conc Blck ☐ Other

Q10- Finishes

A10- ☐ Stone ☐ Paint/render
☐ Cladding ☐ No finish
 (met. plastic)
☐ Other

1/2 DOORS

Q11- Are these the original doors ?

A11- ☐ Yes ☐ No ☐ Don't know

Q12- Material

A12- ☐ Timber ☐ Metal ☐ Other

1/3 WINDOWS

Q13- Are these the original windows ?

A13- ☐ Yes ☐ No ☐ Don't know

Q14- Material

A14- ☐ Timber ☐ Metal ☐ Other

1/4 ROOF

Q15- Is this the original roof ?

A15- ☐ Yes ☐ No ☐ Don't know

Q16- Roof construction

A16- ☐ Dome ☐ Flat ☐ Pitched/tiled

Q17- Roof finish/dpm

A17- ☐ Avail. ☐ Unavail ☐ Damaged

1/5 STAIRS

Q18- Construction material

A18- ☐ Stone ☐ Concrete ☐ Metal
☐ Other

Q19- Finishes

A19- ☐ Stone ☐ Screed ☐ Tiled
☐ Other

1/6 BALCONIES

Q20- Construction Material

A20 ☐ Concrete ☐ Timber ☐ Metal
☐ Other

Q21- Finishes

A21- ☐ Plaster ☐ Paint ☐ No finish

Q22- Balustrade / Handrails

A22- ☐ Timber ☐ Metal ☐ Other

1/7 Access to building

Q23- Describe

A23- a) Direct ☐ b) Indirect ☐

Q24- if A63/a

A24- ☐ from street ☐ from stairs

Q25- if A63/b

A25- ☐ from open space ☐ from courtyard
☐ from alley ☐ from stairs

Q26- Did you make any alterations/ additions to the building ?

A26- a) Yes ☐ b) No ☐

if A26/a

Q27- Describe the alterations

A27- a)Vertical :

☐ Extra floors ☐ Add. roof

☐ Parapet ☐ Stair ☐ Other

b)Horizontal

☐ Projection: front
 back
 side

☐ Balcony (new)

☐ Glazed/covered balcony
(to use as room)

☐ Wall cladding (specify)

☐ Toilet facilities

☐ Kitchen

☐ Store

Q28- Did you obtain municipal permit to carry alterations?

A28- ☐ Yes ☐ No ☐ Not req.

if tenant

Q29- Did you obtain owner approval to carry alterations?

A29- ☐ Yes ☐ No ☐ Not req.

2- External/open space

Q30- Access

A30- a) ☐ direct ☐ indirect

b) ☐ difficult ☐ dangerous

c) ☐ covered ☐ semi-covered

☐ uncovered

Q31- Emergency access (ambulance/fire eng.)

A31- ☐ available ☐ not-available

Q32- Loading/unloading facilities

A32- ☐ available ☐ not- available

Q33- Steps/stairs condition

A33- ☐ good ☐ fair

☐ chipped ☐ broken/dangerous ☐ n/a

Q34- Space between buildings

A34- ☐ wide ☐ narrow ☐ no space

Q35- Open/green space close to bldg

A35- ☐ avail ☐ not-avail ☐ bad maint.

Q36- Parking facility :

A36- ☐ Available ☐ Not available

Q37- Pavement

A37- a) ☐ wide ☐ narrow

☐ no pavement

b) ☐ good cond ☐ damag.fin

☐ broken/danger

Q38- Seating facilities

A38- ☐ available ☐ not available

Q39- Landscape

A39- ☐ available ☐ not available

Q40- Rubbish bins

A40- ☐ available ☐ not available

Q41- Toilet facilities (public)

A41- ☐ available ☐ not available

3- Public Utilities:

3/1 Sanitary - water

Q42- Is any of the following utilities available in this unit for the sole use of its occupants ?

A42- ☐ w.basin ☐ sink

☐ toilet ☐ bath/shower

Q43- If none is available; can the occupants use other facilities?

A43- ☐ Yes ☐ No

Q44- if yes; location and distance from the building

A44- ☐ location

☐ distance

3/2 Electrical supply

Q45- Is the building connected to elec. network ?

A45- ☐ Yes ☐ No

Q46- Are you satisfied with the connection ?

A46- ☐ Yes ☐ No ☐ Don't know

Q47- Do experience power cuts ?

A47- ☐ Yes ☐ No

Q48- if yes; How often ?

A48- ☐ every day ☐ twice/week ☐ once/week
☐ once/month ☐ less ☐ varies

Q49- How long does it last ?

A49- ☐ more than 6hrs ☐ more than 4hrs
☐ more than 2 hrs ☐ less ☐ varies

Q50- Does the power cut affect your business/
production?

A50- ☐ always ☐ sometimes ☐ rarely
☐ no problem ☐ don't know

Q51- Describe electrical wiring ?

Q51- ☐ Covered ☐ part exposed
☐ exposed ☐ exposed/tangled
☐ dangerous

3/3 Heating

Q52- Is heating facilities available in the building/
unit ?

A52- ☐ Yes ☐ No

Q53- if yes; describe the heating system ?

A53- ☐ central heating ☐ mobile gas unit
☐ mobile electric ☐ stove

Q54- Are you satisfied with the heating in the unit ?

A54- ☐ excellent ☐ satisfactory
☐ not-satisf. ☐ bad ☐ don't know

3/4 Drainage / sewerage connections

Q55- Is the building connected ?

A55- ☐ Yes ☐ No

Q56- Are you satisfied with the connection/ service ?

A56- ☐ Yes ☐ No

☐ Don't know

4- Internal/ finishes

4/1 FLOORS

finish :

☐ concrete ☐ screed ☐ terr. tiles

☐ ceramic tiles ☐ plastic ☐ timber

☐ other

4/2 CEILING

☐ no finish ☐ plaster ☐ plast/ paint

☐ susp ceil ☐ other

4/3 WALLS

☐ no finish ☐ plaster ☐ plast/ paint

☐ tiles ☐ wall cover ☐ other

4/4 DOORS & FRAMES

☐ timber ☐ metal ☐ other

4/5 WINDOWS & FRAMES

☐ timber ☐ metal ☐ other

4/6 PARTITIONS

☐ concrete ☐ brick ☐ timber

☐ other

4/7 ALTERATIONS

☐ additions ☐ demolitions ☐ other

walls ☐

floor ☐

ceiling ☐

door/frame ☐

window frame ☐

5- AVAILABLE SERVICES (within the unit)

5/1 Water connection

☐ available ☐ not-available

i. cold water

☐ available ☐ not-available

ii. hot water

☐ available ☐ not-available

iii. wash basin

☐ available ☐ not-available

iv. sink

☐ available ☐ not- available

v. toilet

☐ available ☐ not-available

vi. bath/shower

☐ available ☐ not-available

5/2 drainage/sewerage connections

☐ available ☐ not available

5/3 electricity

☐ available ☐ not-available

5/4 heating

☐ available ☐ not-available

5/5 telephone

☐ available ☐ not-available

Physical Survey :

Scope of the Survey :

A careful inspection of the exterior and the interior of buildings was carried out in the three sample areas to assess the present condition of buildings. The buildings that were inspected were purposively selected.

Externally the inspection covered roofs, external walls, rain water disposal, type and condition of building materials, and availability and condition of waterproofing (if used). It also covered doors and windows, access and visual appearance. Internally, the survey aimed to evaluate the condition of building features such as staircase, internal walls, doors, ceilings, floors, plaster and paint, and general decorative order .

External :

1. Roofs' main problems of weathering and maintenance such as:
 - shape and form;
 - nature of roof covering;
 - rainwater disposal arrangement;
 - roof construction beneath covering.
2. Present condition of roof covering:
 - lack of water proofing;
 - water tightness;
 - cracks in roof finish; broken tiles;
 - level of maintenance if any .
3. Gutters and down pipes
4. Walls and structural stability:
Age of building; building material; rising damp; water penetration; joint rendering; overloading due to additional weight/overcrowding.
5. Floors and ceilings:
Surface finish; screeds, tiles, joints (cracks, dampness, general appearance
6. Staircases:
width, stability, construction, handrails safety
7. Balconies:
construction, projection, safety, handrails
8. Alterations, additions, restoration work : Structural stability; construction quality; maintenance

Architectural factors/variables that were examined included:

1. *Architectural quality ; quality of exterior* graded into 4 categories indicating style, quality of detail and materials, scale, access, relation to other buildings:

excellent good fair bad

2. *Overall visual appearance : finish, maintenance, colour, openings, exposed services, projections (canopies), signs, graffiti , also graded into 4 cat.*

excellent good fair bad

3. *Modern additions to old buildings :*

vertical extensions
horizontal extensions
% increase
defacement

4. *Townscape value; in terms of historical interest, landmark, part of an important group of buildings forming urban spaces or creating special features*

high medium reasonable low

5. *Use of building*

commercial
residential
mixed
others (specify) i.e. mosque, public bath, workshop

6. *Building type/style*

House
modern/low rise (2-3 floors)
old/low rise (2-3 floors)
Modern/multi story (more than three, specify)
public building

7. *Age of building*

date of construction
estimated age (guesstimate)

8. *Condition/ state of decay (maintenance, structure)*

Good fair poor derelict

9. *Overall classification : total number of points each building scored, then dividing them into four grades*

Grade A Grade B Grade C Grade D

NABLUS RENEWAL

Data Analysis

Code-Book

Var No	Var. lab	Values	Val Lab	Miss Val	Variable
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(A- Social Survey)

1.	ZONE	1	Old	99	Sample Area
		2	Med		
		3	New		
2.	BU	1	Retail	99	Building Use
		2	Office		
		3	Ret/Off		
		4	Indust.		
		5	Resid.		
		6	Recreat		
		7	Mixed		
3.	BA	8	Public	99	Building Age
		9	Other		
		4	Historic		
		3	Old		
4.	BD	2	Medium	99	Building Description
		1	New		
		1	Sing Hse		
		2	Old Multi		
		3	Mod low		
5.	PHYS CON	4	Mod Multi	99	Physical Condition
		5	Mod High		
		6	Other		
		5	Fxcell.		
		4	Good		
6.	ARQ	3	Medium	99	Architectural Quality
		2	Bad		
		1	Dilapid.		
		5	Excell.		
		4	Good		
7.	GENEV	3	Medium	99	General Evaluation
		2	Bad		
		1	V. Bad		
		4	Grade A		
8.	REB	3	Grade B	99	Relation to Building
		2	Grade C		
		1	Grade D		
		1	Own/Occ	99	
		2	Own/lett		
		3	Tenant		

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
(If owner/Occupier)					
9.	LOWN	1	SoleOwner	99	Type of
		2	Partner		Ownership
10.	MFRQ	1	Evry yr	99	Mainten.
		2	2-5 yrs		Frequency
		3	5-10 yrs		
		4	more		
		5	varies		
		6	Never		
		7	N/A		
11.	SATUSE	1	Yes	99	Satisfact
		2	No		with build
		3	Don't Kn		use
		4	N/A		
12.	SATCON	1	Yes	99	Satisfact
		2	No		with Bldg
		3	Don't Kn		Condition
		4	N/A		
13.	PLCHNG1	1	Yes	99	Plans to
		2	No		change
		3	Don't Kn		build use
		4	N/A		
14.	PLCHNG2	1	Yes	99	Plans to
		2	No		expand/
		3	Don't Kn		upgrade
		4	N/A		
15.	OBSCHNG1	1	Yes	99	Obstacles/
		2	No		Finance ie
		3	N/A		Credit,tax
16.	OBSCHNG2	1	Yes	99	Obstacles/
		2	No		Political;
		3	N/A		Viol,curfew
17.	OBSCHN3	1	Yes	99	Obstacles/
		2	No		Legal,plang
		3	N/A		ownership,
					rent contrl
18.	OBSCHN4	1	Yes	99	Obstacles/
		2	No		Municipal,
		3	N/A		Serv,Traff
					etc

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
(If Owner letting Property)					
19.	PRLET	1	> 40yrs	99	How Long property been let?
		2	> 25yrs		
		3	> 15yrs		
		4	10-5yrs		
		5	5-2 yrs		
		6	less		
		7	N/A		
20.	RENTREV	1	1-2 yrs	99	Last time rent was reviued/ increased
		2	2-5 yrs		
		3	Over 10yrs		
		4	More		
		5	Never		
		6	N/A		
21.	SATRENT	1	Yes	99	Satisfact with rent
		2	No		
		3	Don't Know		
		4	N/A		
22.	SATUSF	1	Yes	99	Satisfact with Bldg use
		2	No		
		3	Don't Know		
		4	N/A		
23.	SATCOND	1	Yes	99	Satisfact with Bld Condition?
		2	No		
		3	Don't Know		
		4	N/A		
24.	FRQMAIN	1	Every yr	99	Frequency of mainten
		2	2-5 yrs		
		3	5-10 yrs		
		4	More		
		5	varies		
		6	Never		
		7	N/A		
25.	PLNCHG1	1	Yes	99	Plans to change build. use
		2	No		
		3	Don't Know		
		4	N/A		
26.	PLNCHG2	1	Yes	99	Plans to expand/ upgrade
		2	No		
		3	Don't Know		
		4	N/A		

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
27.	OBST1	1 2 3 4	Yes No Don't Know N/A	99	Obstacles: financial
28.	OBST2	1 2 3 4	Yes No Don't Know N/A	99	Obstacles: political
29.	OBST3	1 2 3 4	Yes No Don't Know N/A	99	Obstacles: legal
30.	OBST4	1 2 3 4	Yes No Don't Know N/A	99	Obstacles: municipal
(If Tenant) 31.	LGTEN	1 2 3 4 5 6 7	> 40yrs > 25yrs > 15 yrs 10- 5yrs 5-2yrs Less N/A	99	Length of tenancy
32.	REVRENT	1 2 3 4 5 6	Every yr 2-5yrs 5-10yrs More Never N/A	99	Frequency of rent review
33.	FAIRRENT	1 2 3 4	Yes No Don't Know N/A	99	Fair rent value
34.	MAFREQ	1 2 3 4 5 6 7	Every yr 2-5 yrs 5-10yrs More Never Varies N/A	99	Frequency of Maintenance

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
35.	LANDIMP	1	Yes	99	Landlord improve/ maintain building
		2	No		
		3	Don't Know		
		4	N/A		
36.	MOVPLAN	1	Yes	99	Plans to move
		2	No		
		3	Don't Know		
		4	N/A		
37.	EXPLAN	1	Yes	99	Plans to upgrade/ expand business
		2	No		
		3	Don't Know		
		4	N/A		
38.	CONSTR1	1	Yes	99	Constraints political
		2	No		
		3	N/A		
39.	CONSTR2	1	Yes	99	Constraints financial
		2	No		
		3	N/A		
40.	CONSTR3	1	Yes	99	Constraints legal
		2	No		
		3	N/A		
41.	CONSTR4	1	Yes	99	Constraints municipal
		2	No		

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
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(Questions to all/ assessment to problem with built environment)
BUILDING

42.	PROBLD	1 2	Yes No	99	Building Problems
43.	PROB1	1 2 3 4	Serious Bad Acceptable No problem		Noise
44.	PROB2	1 2 3 4	Serious Bad Acceptable No problem		Pollution
45.	PROB3	1 2 3 4	Serious Bad Acceptable No problem		Ventilation
46.	PROB4	1 2 3 4	Serious Bad Acceptable No Problem		Light
47.	PROB5	1 2 3 4	Serious Bad Acceptable No Problem		Draft
48.	PROB6	1 2 3 4	Serious Bad Acceptable No Problem		Water Penetration
49.	PROB7	1 2 3 4	Serious Bad Acceptable No Problem		Dampness
50.	PROB8	1 2 3 4	Serious Bad Acceptable No Problem		Access
51.	PROB9	1 2 3 4	Serious Bad Acceptable No Problem		Traffic

Var No	Var. lab	Values	Val Lab	Miss Val	Variable
52	PROB10	1 2 3 4	Serious Bad Acceptable No Problem	99	Utilities
53.	PROB11	1 2 3 4	Serious Bad Acceptable No Problem		Maintenanc
<u>AREA/ZONE</u>					
54.	PROBAR	1 2	Yes No		Area/Zone Problems
55.	PROBAR1	1 2 3 4	Serious Bad Accept. No problem		Traffic
56.	PROBAR2	1 2 3 4	Serious Bad Acceptable No problem		Parking
57.	PROBAR3	1 2 3 4	Serious Bad Acceptable No problem		Street Vendors
58.	PROBAR4	1 2 3 4	Serious Bad Acceptable No Problem		Pollution
59.	PROBAR5	1 2 3 4	Serious Bad Acceptable No Problem		Hygiene
60.	PROBAR6	1 2 3 4	Serious Bad Acceptable No Problem		Services
61.	PROBAR7	1 2 3 4	Serious Bad Acceptable No Problem		Pedestrian Safety

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
62.	PROBAR8	1 2 3 4	Serious Bad Acceptable No Problem		Access
63.	PROBAR10	1 2 3 4	Serious Bad Acceptable No Problem		Security/ fighting, Violence
64.	PROBAR11	1 2 3 4	Serious Bad Acceptable No Problem		Security/ Vandalism Burglary
65.	PROBAR12	1 2 3 4	Serious Bad Acceptable No Problem		Amenities Parks, Pub Toilets, Seating
<u>CITY CENTRE</u>					
66.	PROBCT	1 2	Yes No		City Ctre Problems
67.	PROBCT1	1 2 3 4	Serious Bad Accept. No problem		Traffic
68.	PROBCT2	1 2 3 4	Serious Bad Acceptable No problem		Parking
69.	PROBCT3	1 2 3 4	Serious Bad Acceptable No problem		Street Vendors
70.	PROBCT4	1 2 3 4	Serious Bad Acceptable No Problem	0	Pollution
71.	PROBCT5	1 2 3 4	Serious Bad Acceptable No Problem		Hygiene

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
72.	PROBCT6	1	Serious	99	Services
		2	Bad		
		3	Acceptable		
		4	No Problem		
73.	PROBCT7	1	Serious		Pedestrian Safety
		2	Bad		
		3	Acceptable		
		4	No Problem		
74.	PROBCT8	1	Serious		Access
		2	Bad		
		3	Acceptable		
		4	No Problem		
75.	PROBCT10	1	Serious		Amenities
		2	Bad		
		3	Acceptable		
		4	No Problem		
76.	PROBCT11	1	Serious		General lack of
		2	Bad		
		3	Acceptable		
		4	No Problem		
77.	PROBCT12	1	Serious		Restorat./ Protec.of historic buildings
		2	Bad		
		3	Acceptable		
		4	No Problem		

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
<i>Obstacles to Development (Political)</i>					
<u>POLITICAL OBSTACLES</u>					
78.	OBSDEV1	1 2 3 4	Serious Eff Bad Effect Small Effect No Effect	99	Security/ fighting, Violence, Army Act.
79.	OBSDEV2	1 2 3 4	Serious Eff Bad Effect Small Effect No Problem		Security/ Burglary, Vandalism
80.	OBSDEV3	1 2 3 4	Serious Eff Bad Effect Small Effect No Effect		Prolonged Closure/ Curfews
81.	OBSDEV4	1 2 3 4	Serious Eff Bad Eff Small Eff No Effect		Demolition Sealing Property
82.	OBSDEV5	1 2 3 4	Serious Fff Bad Effect Small Eff No Effect		Uncertainty Polit.Futur
<u>LEGAL OBSTACLES</u>					
83.	OBSDEV6	1 2 3 4	Serious Eff Rad Effect Small Eff No Effect		Absence of Municipal Council
84.	OBSDEV7	1 2 3 4	Serious Eff Bad Effect Small Eff No Effect		Planning Laws
85.	OBSDEV8	1 2 3 4	Serious Fff Bad Effect Small Eff No Effect		Ownership Status
86.	OBSDEV9	1 2 3 4	Serious Eff Bad Effect Small Effect No Effect		Rent control

Var No	Var. lab	Values	Val Lab	Miss Val	Variable
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Obstacles to Development

FINANCIAL OBSTACLES

87.	OBSDFV10	1	Serious Eff	99	Lack of
		2	Bad Effect		Investm.
		3	Small Effect		
		4	No Effect		
88.	OBSDEV11	1	Serious Eff		Lack of
		2	Bad Effect		Financial
		3	Small Effect		Institut.
		4	No Problem		
89	OBSDEV12	1	Serious Eff		Banking
		2	Bad Effect		
		3	Small Effect		
		4	No Effect		
90.	OBSDEV13	1	Serious Eff		High Tax/
		2	Bad Eff		Raids
		3	Small Eff		
		4	No Effect		

PART II / PHYSICAL SURVEY

Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
90.(1)	ROCONS	1	Dome	99	Roof Construct
		2	Flat		
		3	Pitched		
		4	Other		
91.(2)	ROFIN	1	Avail.		Available roof finish DPM/protect
		2	Unavail		
		3	Damaged		
		4	Unknown		
92.(3)	ACCOP2	1	Difficult		Access description
		2	Dangerous		
		3	Reasonable		
93.(4)	EMACC	1	Available		Emergency Access
		2	Unavailable		
94.(5)	LODFAC	1	Available		Loading/ Unloading Facilities
		2	Unavailable		
95.(6)	STACOND	1	Good		Stairs/ Steps Condition
		2	Fair		
		3	Chipped		
		4	Brk/Danger		
		5	N/A		
96.(7)	GRSP	1	Available/ OK		Green Space CIs to Bldg
		2	Badly Maint.		
		3	Unavailable		
97.(8)	PKFAC	1	Available		Parking Facility
		2	Unavailable		
98.(9)	PAV1	1	Wide		Pavement Description
		2	Narrow		
		3	No Pavement		
99.(10)	PAV2	1	Good		Pavement Condition
		2	Damag. Fin		
		3	Brk/Danger.		
100(11)	STFAC	1	Available		Seating Facilities
		2	Unavailable		
101(12)	LDSC	1	Available		Landscape
		2	Unavailable		

Var No	Var. lab	Values	Val Lab	Miss Val	Variable
102(13)	BIN	1 2	Available Unavailable	99	Rubbish Bins
103(14)	TLFAC	1 2	Available Unavailable		Public toil facilities
104(15)	SANT4	1 2	Yes No		Able to use other Sant. facilities
105(16)	SANT5	1 2	Close Far		Facilities Location
<u>Building Services</u>					
106(17)	ELCSUP	1 2	Yes No		Electrical supply
107(18)	SATCON	1 2 3	Yes No Dont Know		Satisfied with service
108(19)	PWCUT	1 2	Yes No		Experienc Power Cuts
109(20)	FRQCUT	1 2 3 4 5 6	Ev.Day Tw/Week Onc/Week Onc/Mnth Less Varies		Frequency of Cuts
110(21)	LGCUT	1 2 3 4 5	> 6hrs > 4hrs > 2hrs Less Varies		How long the cut lasts?
111(22)	AFFBUS	1 2 3 4 5	Always Sometime Rarely No Problem Dont Know		Effect on business
112(23)	WIRDES	1 2 3 4 5	Covered Prt Cov Exposed/OK Expos/Tangl Expos/Danger.		Wiring description

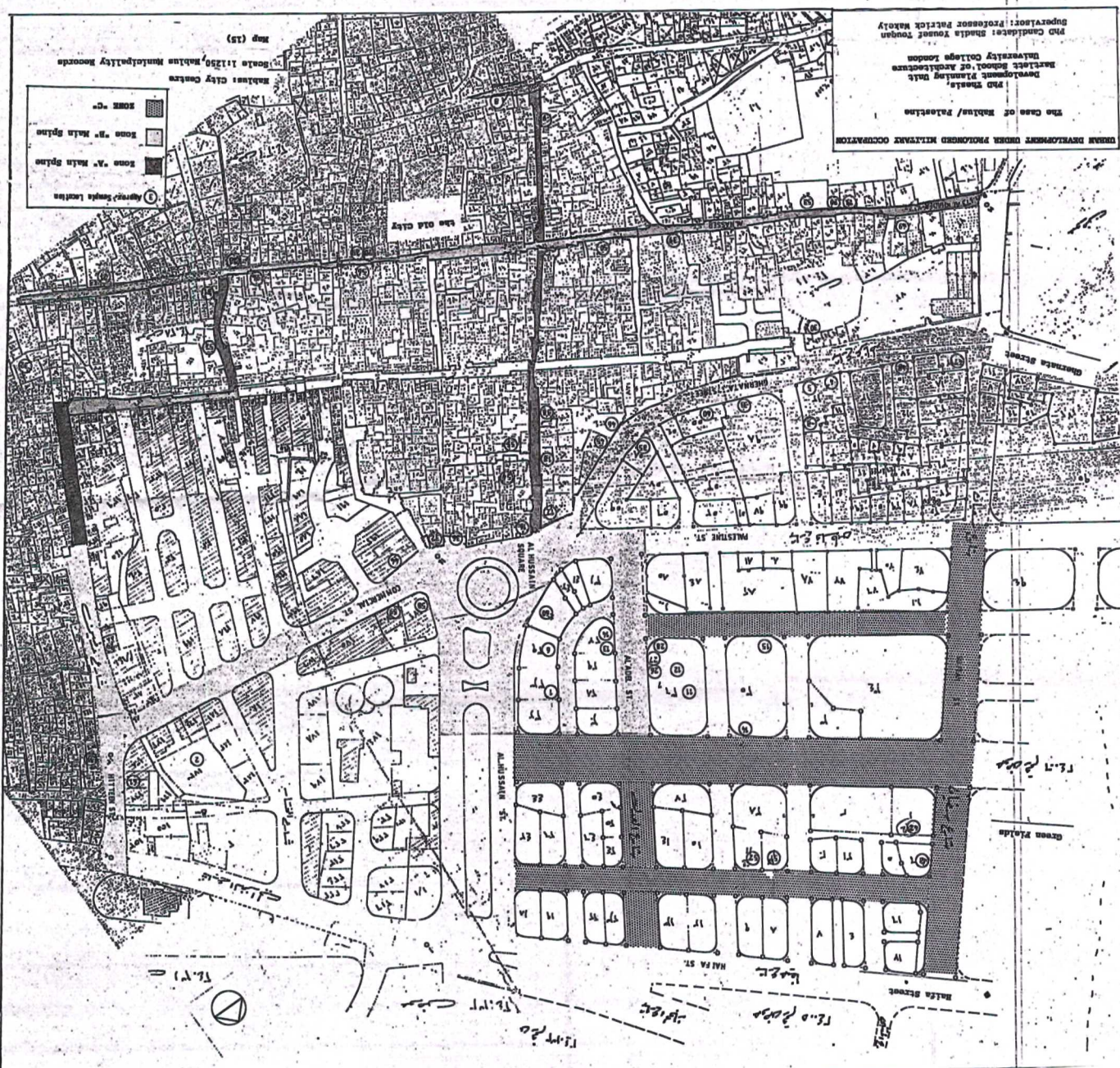
Var No	Var. Lab	Values	Val Lab	Miss Val	Variable
113(24)	HTFAC	1 2	Yes No	99	Heating facilities
114(25)	HTSAT	1 2 3 4 5	Excellent Satisfact. Not Satis Bad Dont Know		Satisfact with Heating
115(26)	DRSW	1 2	Yes No		Drain.sewgre connection
116(27)	DRSAT	1 2 3	Yes No Dont Know		Satisfact with service

Available Services (within unit)

117(28)	WRCON	1 2	Yes No		Water connection
118(29)	CWAT	1 2	Yes No		Cold Water
119(30)	HWAT	1 2	Yes No		Hot Water
120(31)	BAS	1 2	Yes No		Wash Basin
121(32)	SK	1 2	Yes No		Sink
122(33)	TL	1 2	Yes No		Toilet
123(34)	TLPH	1 2	Yes No		Telephone



URBAN DEVELOPMENT UNDER PROLONGED MILITARY OCCUPATION
 The Case of Nablus/Palestine
 The School of Planning Unit
 University College London
 Supervisor: Professor Patrick Naylor
 The Candidate: Shadia Younan



Map (15)
 Nablus 11250, Nablus Municipality Records